THE FREEMAN

IDEAS ON LIBERTY

Sir Henry Vane:
America's First Revolutionary

Handwriting on the Wall

Attack in the Adirondacks

First-Person Singular

JANUARY 1992

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THE FREEMAN

IDEAS ON LIBERTY

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THE FREEMAN

IDEAS ON LIBERTY

CONTENTS
JANUARY
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VOL. 42
NO. 1

4 **Dream House Turns into Nightmare**
Sigfredo A. Cabrera
An Oregon couple struggles to use their property.

7 **The Holocaust and the Lost Caribbean Paradise**
William R. Perl
How the U. S. State Department thwarted plans to rescue thousands of Jewish refugees.

11 **Handwriting on the Wall**
Paul Anderson
The perceptive prediction of "the World's Strongest Man."

13 **Ambition and Compassion**
Ralph A. Raimi
The ordinary economic activities of mankind can be recognized as doing good to others.

16 **Sir Henry Vane: America's First Revolutionary**
Sean Gabb
A champion for the cause of religious toleration.

21 **Feminist Censorship**
Jack Matthews
De facto reverse sexism is alive and thriving.

23 **Now Beauty Is a Liability**
Tibor R. Machan
Why begrudge the comely their fate of being attractive?

25 **The Thomas/Hill Hearings: A New Legal Harassment**
Richard B. McKenzie
No one should have to endure harassment in any form or place.

28 **Attack in the Adirondacks**
Michael W. Fanning
How the State of New York has assaulted the property rights of Adirondack inholders.

38 **An Abundance of Messiahs**
Barbara R. Hunter
Using the punitive power of government to "save" one's fellows.

39 **The Economics and Ethics of Trash**
K. L. Billingsley
Some regions are better suited than others for the disposal of garbage.

41 **First-Person Singular**
Donald G. Smith
A profound cleavage in our national makeup seriously impedes communication.

43 **Readers' Forum**

44 **Book Reviews**
John Chamberlain reviews *The Case for Conservatism* by Francis Graham Wilson.
Other books: *The Liability Maze* by Peter Huber and Robert Litan; *The Prize* by Daniel Yergin; *The World Trading System at Risk* by Jagdish Bhagwati.

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THE FREEMAN
IDEAS ON LIBERTY

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PERSPECTIVE

Legislative Deficits No Surprise

We can expect increasing instability in government as long as it pursues social goals. Social goals were never part of the original purpose for which government was created. That purpose was to protect life, liberty, and property. Nothing more.

Today we find the government a major threat to property rather than a protector. By seeking to accomplish social goals through taxation and economic manipulation, it is confronted with the task of matching costs with revenues. The costs of idealistic goals can be limitless or infinite, while revenues (taxes) are finite. These utopian goals will always tend toward exceeding what is available in revenues.

Only the free market through the pricing system can balance supply with demand, and this it does peacefully.

Unlike the free market, the state, being an instrument of force, can only seek by force to balance its costs with revenues. This coercion creates discord between the state and the citizens. Eventually we witness the state in the act of impoverishing the very people it was sworn to protect.

Legislators and citizenry alike should reflect upon the wisdom displayed by the moral principles our forefathers relied upon when limiting government to protecting life, liberty, and property.

By this liberty, free American citizens in earlier days attained social goals that astounded the world. And they did it without deficits!

—Richard W. Holden
Avon, Connecticut

When Pride Dies

I can remember when the fact that the state and federal government spent $14 million in Brown County in one year on welfare would have been a matter of deep shame. It certainly would not have been an occasion for joy and celebration.

Recently the regional administrator for the Texas Department of Human Resources, with great fanfare and attendant rhetoric, announced that just over $14 million had been showered upon the citizens of Brown County in 1990. And wher-

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ever you live, your county got a large amount, too—and if you didn't read about it, maybe your paper was ashamed to print it. It came like manna from heaven—handed out by a benevolent and protective Robin Hood known as the State....

We were once a proud people who would rather have starved than depend on the State. Pride might have helped save us—but pride has died.

—BILL PRINCE, writing in the July 12, 1991, issue of *The Heartland Advertiser*, Bangs, Texas

Ancient Phone System

The information now coming in floods from the former Soviet Union continues to astonish. A Western consortium is currently at work modernizing the telephone system of Moscow. One of our *Freeman* contributors recently spoke with a member of the consortium, who told him that Moscow's original telephone system was installed prior to 1906 by Swedish engineers working for the czarist government. When our contributor asked him what proportion of Moscow's *current* telephone system dates back to before 1906, he replied, "At least 90 percent." Communism's failure to supply the most basic living standards to its populations has perhaps never been more apparent.

A Divided People

There is a common complaint today that Americans have lost their sense of community. Is it any wonder, when any group that could possibly call itself an underprivileged or unrepresented minority seeks the assistance of the government? Whether it be hyphenated Americans, or gays, single parents, teachers, women, the elderly, the handicapped, small business, unions, big business, consumers, veterans, criminals, or protectors of the yew tree, a growing number of groups are petitioning one or another agency of government for redress of some grievance, or for a larger or "more equitable" share of the national wealth. Today, virtually every social problem seeks a political solution, as those affected quite understandably turn to government for assistance, because the public has seen this as the ever-increasing function of government for the past 30 years.

But by nature political solutions involve the exercise of power over one group for the sake of another. This cannot be done without creating tension and emphasizing differences. And so the very differences that bring about the problems are perpetuated by the solutions, and politics becomes a series of power struggles between warring groups intent on seizing control over the purse strings.

The reality is that government funding is simply money taken from individuals in the form of taxes. There is only so much of it to go around. More and more people are demanding more and more benefits for their own interest groups, either in direct payments, low-interest loans, government services, import duties, regulations, state licensing, or other assistance and protection. There is no way to satisfy the demands of one group except at the expense of another. And, in order to respond, government must grow to meet the demand. This creates an additional drain on the nation's wealth, for government is extraordinarily expensive.

As the demands increase, the supply of wealth diminishes, and budget deficits grow. Interest groups now compete fiercely for limited resources, and since the squeaky wheel gets the oil, the hue and cry is at a concert pitch. Government becomes the universal umpire, prone to corruption, and growing in size and power. Out of such a climate can come only division, an emphasis on differences, shrinking power of individuals, and government growth. Add to this the official philosophy of the '90s: political correctness, which breeds suspicion, encourages witch hunts, and in effect aims at nothing less than closing the door to the free and open exchange of ideas.

Remove government, the middleman, from this scenario, and we will defuse the bomb about to explode. What would remain are the elements of a free market with its natural mechanisms of problem-solving through response to supply and demand.

—JAMES E. CHESHER
Santa Barbara City College

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THE FREEMAN
IDEAS ON LIBERTY

Dream House Turns into Nightmare

by Sigfredo A. Cabrera

"Fighting a bunch of bureaucrats was not what I had planned for my retirement," says Tom Dodd. "But I believe the Constitution's on my side. If it isn't, then something is very wrong here."

Despite 22 years of military service, including 140 combat missions over Vietnam, Tom Dodd still wasn't prepared for the struggle that awaited him in Hood River, Oregon. "We've been traveling down a hell road for the last seven years," says Tom bitterly. "I just want what is right."

For Tom, that means the right to build his home on his land—to live in it, sleep in it, dream about the walks he and his wife will take near the hills around it, and to relish in the exquisite terrain that would embrace it. But government regulators have different plans.

In 1983, Tom and his wife Doris left their home in Houston, Texas, for a vacation in Oregon. During their visit, they fell in love with a piece of property in the Hood River Valley with a beautiful view of Mt. Hood.

"It was perfect," says Tom. "Quiet, pristine. Doris and I decided right then that this would be the ideal place to build our dream house after I retired.

"Forty acres was a lot more than we needed, but the state said that was the minimum size parcel we could buy in that area. And $33,000 was also a lot more than we planned on paying. But you have to see this place. We certainly didn't mind gouging our life savings for it."

And so the delighted couple bought the 40-acre wonderland. In 1985, Tom quit a lucrative job and returned with Doris to Hood River to begin clearing brush for the new house. "We walked into the planning department asking for the paperwork and information for a building permit," remembers Tom. "That was the very first time that we were ever aware that our property had been taken away from us."

To their dismay, the zoning law affecting their parcel had been changed while they were in Houston. Under the new rules, the Dodds could not use their property for the exclusive purpose of building a home and engaging in peaceful living. Now, they could use the land only to grow and harvest timber. A house is permitted, but only if it is absolutely necessary to accommodate a full-time forester on the property. Proving this necessity is pointless since growing wood for somebody else's

Mr. Cabrera is Director of Communications for the Pacific Legal Foundation in Sacramento, California, which is representing the Dodds.

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The western view from atop the Dodds' property.

house is not what Tom had in mind for his retirement. "I would have shot the dang airplane down prior to coming up here if I knew all the problems it was going to cause. No one wrote us to say I'm sorry, you no longer can use your land. Or, I'm sorry, it's no longer available."

The Planning Commission did send a notice, but to the previous owners of the Dodds' property. When confronted with this mistake, county officials pointed the finger at the prior owners claiming they had an obligation to pass the notice along to the Dodds. Prior owners have no such legal obligation.

As required by Oregon law, the Commission also published at least six notices in the newspaper. But the *Hood River News* doesn't reach Houston, Texas. Oddly enough, while county workers were notifying everyone but the Dodds about the planned zoning change, the couple continued to receive their tax bills for the 40-acre parcel. They also received correspondence from other county departments only weeks before the new zoning law went into effect. The Hood River Planning Department wrote the Dodds to inform them that a single-family house on the property would not violate state land use laws. And the county sanitary commission mailed a letter saying the Dodds had up to two years to put a well on the property.

"Buy Some Other Lot"

While the Dodds have been running through a legal obstacle course fighting for their property, the only advice the Hood River Planning Director gave was: "Buy some other lot or some other space in this township." But to get the money to do that, Tom would have to sell what is now worthless to him.

"The funny thing is, I couldn't even sell this parcel to someone who wanted to run a forestry business," says Tom, referring to a forestry expert's appraisal which revealed that a timber business on the land wouldn't be economically viable or environmentally sound.

Twenty-two acres of the property are covered by a type of soil that won't support forest vegetation. Of the remaining 18 acres, only 12.6 are cur-

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rently forested; the rest is subject to severe erosion because of steep slopes. On the forested area, the expected annual timber growth is 24 cubic feet per acre. This is considerably less than commercial land in Hood River County that produces an average of 100 cubic feet per acre each year.

Tom and Doris know nothing about commercial timber management. Therefore, they would have to hire a professional to administer the harvest operations. Because of the dismal production outlook, this expensive option would be sure to result in a net loss.

The most cost-effective way for the Dodds to make money on the property would be to chop all their trees in one fell swoop, i.e., clear cut. But the profit to be gained would be short lived. The value of the logs, after logging and hauling costs were paid, would be only $3,220. This meager return would be reduced by $2,400, the cost of reforestation required by Oregon law. Subtract another $209 for severance taxes, and the Dodds would net $611. Of course, this doesn't consider income and property taxes.

There are other problems associated with clear cutting the trees. According to the Dodds' forestry expert, a clear-cut harvest would damage watershed yields, wildlife habitat, aesthetic qualities, and the protection to neighboring properties from wind.

As retirees, the Dodds have no desire to go into the forestry business, and they certainly don't want to be forced into a losing business venture. And so the inescapable conclusion is that unless Tom and Doris are allowed to build their house, their property is useless to them.

In other states, people in the Dodds' situation could be exempted from the harsh effects of a zoning ordinance by asking for a variance. However, Oregon's strict land use laws don't make this remedy available. Consequently, the Hood River Planning Commission and the Planning Director cannot, considering the unfortunate string of events, make an exception to the rules. Going to court is inevitable, but the Dodds have to exhaust every possible administrative avenue before they can do that. So far, every ruling has been against them.

Should Hood River County pay the Dodds for their property? The Fifth Amendment says government must pay "just compensation" when it takes private property. The Dodds' attorney tried to remind the Planning Commission of this, but they said such a constitutional argument was not allowed in their hearings. However, Oregon law requires that every legal argument be made in these types of proceedings. In fact, failure to make an argument in the early stages of a case may prevent one from presenting it later. So before the Dodds' battle began, they were stripped of their most valuable legal defense—the takings clause of the United States Constitution.

Tom and Doris would like a friend in Hood River, but friendly types seem to be in short supply. Would-be neighbors on adjacent lots turned out to be hostile. They would like the Dodds' property to remain vacant. The Dodds have written to United States Senators and Congressmen and the Governor of Oregon, but they haven't been sympathetic either.

After jumping unsuccessfully through the last administrative hoop, Tom and Doris are now forced to take their case to the courts. Unfortunately, Oregon courts tend to rule in favor of government restrictions on the reasonable use of private property. This means an almost certain petition to the United States Supreme Court. But that could be five or six years away, after the case winds its way through the judicial system.

Meanwhile, because of the high income taxes Oregon imposed on their pension, the Dodds have moved to Vancouver, Washington. They no longer dream about those long walks around their property. □

Justice Louis D. Brandeis

IDEAS ON LIBERTY

Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

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The Holocaust and the Lost Caribbean Paradise

by William R. Perl

It is widely believed that the Nazi "Final Solution" would have claimed fewer victims if the free world had shaken off its apathy and helped the Jews to escape. This theory, that the world stood passively by as the genocide was being committed, is now being challenged. Evidence has been produced that arrives at the shattering conclusion that the Western powers were more than passive, apathetic bystanders.

Contrary to popular belief, the problem for Jews during the Holocaust was not how to get out, but where to go. The key figures in most governments throughout the world, instead of liberalizing their immigration laws, closed their borders to the hunted Jews, or at most admitted token numbers only. The Nazis set the house aflame, and the free world barred the doors.

Some of the measures taken by the free world that contributed to the deaths of tens of thousands remain little known. Foremost among these was the thwarting by the United States Department of State of rescue plans that would have brought otherwise doomed refugees to the Caribbean, specifically to the sparsely inhabited U.S. Virgin Islands as well as the Republic of Haiti.

The U.S. Virgin Islands had been acquired by the United States from Denmark in 1917 for $25 million. Most people are aware of only three islands: St. Thomas, St. Croix, and St. John. The group, however, consists of 68 islands of diverse sizes. Although most are tiny, they comprise 86,000 acres. At the time when their inhabitants invited refugees from Nazi barbarism, the islands had a population of approximately 25,000, most of whom were very poor and uneducated.

Many of the islands are quite mountainous, dotted with picturesque little ports and cozy bays. The climate is ideal in the spring, fall, and winter, and quite comfortable in the summer as the trade winds provide a cooling breeze. Temperatures vary only slightly from the warmest to the coolest months. There is a rich diversity of native plant and animal life.

Resolved: A Haven for Refugees

As early as November 18, 1938, the legislature of the Virgin Islands adopted the following resolution:

> WHEREAS, world conditions have created large refugee groups, and
>
> WHEREAS, such groups eventually will migrate to places of safety, and
>
> WHEREAS, the Virgin Islands of the United States being a place of safety can offer surcease from misfortune.
>
> NOW THEREFORE, be it resolved by the Legislative Assembly of the Virgin Islands of the United States in session assembled that it be made known to Refugee peoples of the world

Dr. Perl is a Holocaust researcher. A retired Lt. Colonel, U.S. Army, he served on the war crimes prosecution team in Germany. He is the author of The Four Front War: From the Holocaust to the Promised Land; Operation Action: Rescue from the Holocaust; *and* The Holocaust Conspiracy: An International Policy of Genocide.

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that when and if existing barriers are removed that they shall find surcease from misfortune in the Virgin Islands of the United States.

AND BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the President of the United States, the Secretary of State, the Secretary of Labor, the Secretary of the Interior, and members of the Press.[1]

The State Department immediately started action to obstruct the islanders' humanitarian efforts and to close this possible avenue of escape. On December 15, 1939, the Secretary of State sent a letter to all authorities possibly concerned, calling this resolution "incompatible with existing law."[2]

The Department of the Interior and the Labor Department began a probe of the legal issues. The Labor Department announced on February 3, 1940, that the invitation was "consistent with existing law and unobjectionable from the standpoint of policy."[3]

It was November 6, 1940, almost two years after the announcement of the invitation, when the Solicitor of the Interior Department published his 22-page report. The report concluded that "the proclamation in question is, in all respects, legally unassailable."[4] The Attorney General, however, who on October 16, 1939, was asked by the Secretary of the Interior for his evaluation of the legalities, refused on March 29, 1940, to study the issue "for the reason that the Secretary of State had not invited such an opinion."[5]

"Delay and Delay"

During all that time, people who could have been rescued and living in a Caribbean paradise remained in the hell of Nazi Europe until they fell victim to the death camps. The effectiveness of this "delay and delay" policy was praised by the Assistant Secretary of State, Breckinridge Long. In a memo dated June 26, 1940, he wrote: "We can delay and effectively stop for a temporary period of indefinite length the number of immigrants into the United States. We could do this by simply advising our consuls to put every obstacle in the way and to resort to various administrative advices which would postpone and postpone the granting of the visas."[6]

This policy was criticized by the General Counsel of the U.S. Treasury, Randolph Paul, as "murder by delay." He charged high officials in the State Department with forming "an American underground movement . . . to let the Jews be killed."[7]

This strategy was in sharp contrast with the public statements of concern made by State Department officials. On October 17, 1939, at a meeting in the White House, speaking before the Intergovernmental Committee on Political Refugees, Secretary of State Cordell Hull declared: "We do know that at this period there are an increasing number of people who are draining the cup of bitterness and of disappointment to its very dregs. We do know that they are on a level below that of the common animal, which is able to find something to subsist, to find some place where it can relax and sleep."[8]

Lawrence H. Cramer, Governor of the Virgin Islands, surprised and frustrated by the turmoil created in Washington by his legislature's rescue attempt, finally signed on November 2, 1940, two years after the resolution had been adopted, a decree according to which 2,000 families were to be admitted initially. To appease State Department critics, certain requirements were imposed, but tens of thousands qualified.

The invitation's main purpose was to provide a haven for those who had applied for immigration to the United States and had obtained a quota number for their registration and eventual processing when their number came up. Waiting times were usually long, sometimes three years or more. The Nazis, of course, didn't abstain from arrests and deportations just because the victims had quota numbers, and thousands with such numbers perished. The islands were thus to have provided a refuge during the dangerous waiting period. As a prerequisite to entry, the refugees were not to become public charges—but that would have been no obstacle since many had relatives in the U.S. who were willing to provide such an affidavit, as were many major Jewish welfare organizations.

A New Weapon

Notwithstanding the thousand miles of ocean separating the U.S. mainland from the Virgin Islands, the State Department went into even higher gear when it learned that Cramer had signed the proclamation. Breckinridge Long contacted his friend Representative Martin Dies,

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Chairman of the House Committee on Un-American Activities.[9] The weapon they used was the old canard that spies would arrive among the refugees. That not a single such case had been proven mattered little to Long and Dies. President Roosevelt, "informed" by Long of the undoubted arrival of spies among the refugees, was won over. Apparently no consideration was given to the fact that, whatever the security concerns, refugees in the Virgin Islands could be kept under close supervision.

Finally, to clinch the matter, Long had a brilliant idea. He went to see Admiral Alan G. Kirk, Chief of Naval Intelligence. "If the Navy could declare it [the Virgin Islands] a restricted area for strictly naval reasons," Long explained, "[that would] prevent the raising of the political questions involved in this refugee and undesirable citizens traffic which is going on. . . . [Then] we would have no more trouble."[10]

This settled the case. Nobody in wartime could defend an issue that threatened the security of the United States. The attempt to tear a few thousand of the doomed from Moloch's jaws had been sabotaged. This victory by the State Department was achieved 20 months after the *Kristallnacht* pogrom and nine months after the Nazi massacres began in Poland.

The State Department expanded its intrigues into other parts of the Caribbean. A little known, but particularly blatant example occurred in Haiti.

Heavy pressure was mobilized against Haiti when it planned to admit 100 refugee families. The Haitian President was accused of undermining the American war effort and thus the safety of the United States. The usual contrivance—the claim that there would be spies among the refugees—in the case of Haiti was extended to the misinformation that (although they might not be straight Hitlerites) *all* refugees were "at the least" pro-German. The American Minister to Haiti, on September 30, 1940, received the following telegram from Secretary of State Cordell Hull:

> The Department desires you to discourage at every opportunity and in a manner which can leave no doubt in President Vincent's mind all projects for bringing additional European refugees to Haiti under the circumstances that have prevailed in the past. . . . The Department therefore would deplore further interest by the Haitian Government in the admission of refugees among whose numbers will doubtless be found elements prejudicial to the safety of the Republic of Haiti and this country. . . .[11]

The Chargé in Haiti, fully understanding what his superiors expected of him, lost no time. On October 2 he wrote to the Secretary of State:

> I made the following points: One, all refugees from Germany are at most only anti-Hitler. . . . Therefore, we regard these refugees as suspects and cannot view with approval their migration from place to place. I added that since my Government is spending in excess of twelve billion dollars for the defense of the United States, and the Western Hemisphere, it would be unreasonable to expect that we would view without concern the uncontrolled movement of alien suspects.[12]

During all the time that the State Department was thwarting the refugees, letters arrived from those who had heard of the possibility of escape. On May 20, 1941, Robert M. Lovett, Acting Governor of the Islands (Lawrence Cramer had resigned) wrote to James McDonald, Chairman of the President's Committee for Refugees: "I have been overwhelmed by correspondence of a most poignant nature."

"Our Last Chance"

Of the dozens of pleading letters in the National Archives, one by Gerhard Neumann, who writes for himself and six others, is particularly tragic. The letter, dated February 14, 1941, was written from Camp de Gurs, a collecting place in France for shipment either via the infamous Drancy Camp, or directly to the annihilation places in the east.

Neumann wrote: "We should be very much obliged to you, if you could improve our actual situation by giving us the permission to stay in your territory till we can immigrate to U.S.A. We are aware, that we do an extraordinary step in applying to you. But that is our last chance."

On March 25, 1941, Robert Lovett answered: "I regret to inform you that a procedure for giving effect to the plan of affording temporary refuge in the Islands has not been worked out by the State Department and the Department of the Interior."

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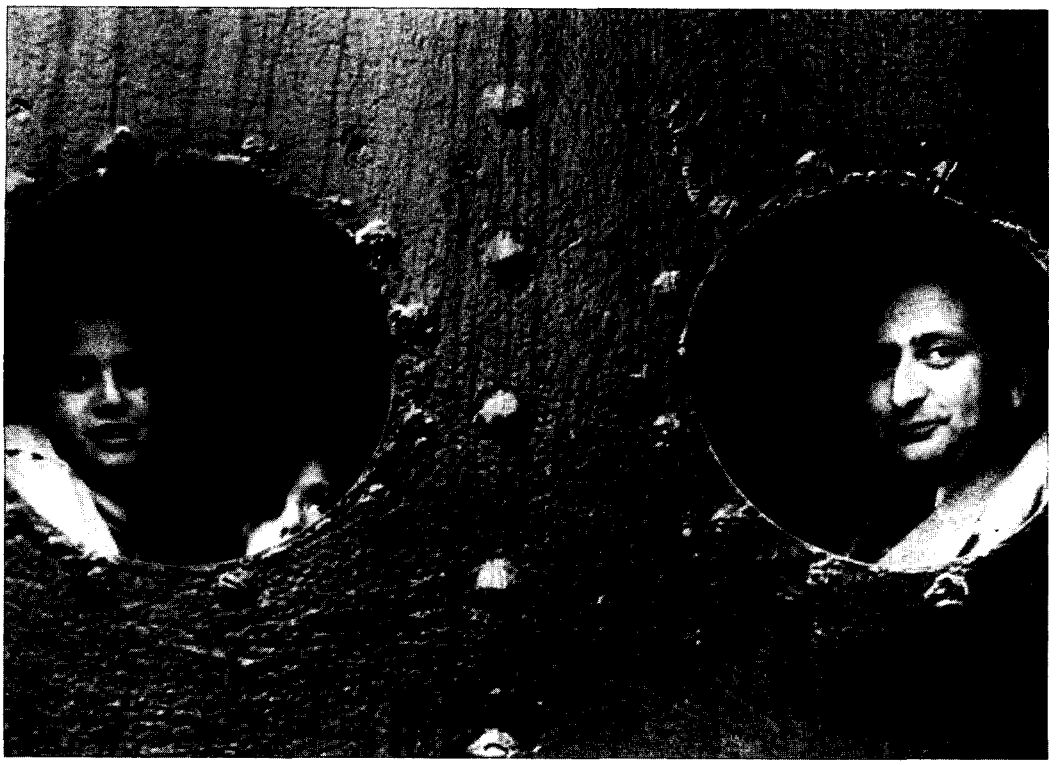

UPI/BETTMANN

Refugees looking from a porthole of the liner* St. Louis *as it docked in Antwerp, Belgium, after thousands of miles of wandering.

Another applicant awaiting deportation was Walter Bruehl. He wrote: "We are still a small number of passengers on the steamboat *St. Louis*, departing from Hamburg May 13, 1939 [on the infamous Voyage of the Damned], to Havana, Cuba who after an adventurous crossing were forced to return to Europe. . . . Please, Honorable Sir, let me know what we can do. I shall act immediately in the required direction."

On May 20, 1941, Lovett answered: "I regret to inform you that the State Department has refused permission to put into effect the plan proposed for the reception of the refugees. . . ."

Each of the applicants' letters, preserved in the National Archives, is a mute witness to the inhumanity of man against man. □

1. National Archives, Territory Government, Virgin Islands, 1938.
2. "Chronological Account of Inter-Departmental Negotiations on Admission of Alien Visitors into Virgin Islands," National Archives, Territory Government, Virgin Islands, 1940, paragraph 7.
3. *Ibid.*, paragraph 8.
4. Department of the Interior, Office of the Solicitor, M. 31037, November 6, 1940, p. 22.
5. "Chronological Account," paragraphs 4 and 10.
6. Memo to Adolf A. Berle, Jr., and James C. Dunn, June 26, 1940, as quoted by Henry L. Feingold, *The Politics of Rescue* (New Brunswick, N.J.: Rutgers University Press, 1970), pp. 142, 330. See also *Foreign Relations of the United States, Diplomatic Papers*, 1940, vol. II, pp. 178-79, 194-95.
7. Morgenthau Diaries, 688II/138, 694/67-8; RR, 181, as quoted by David S. Wyman, *The Abandonment of the Jews* (New York: Pantheon Books, 1984), pp. 191, 383.
8. National Archives, Intergovernmental Committee on Political Refugees, Washington Conference, October 17, 1941. See also State Department Bulletin 400, October 21, 1939, and Department of the Interior, Office of the Solicitor, M. 31037, November 6, 1940, p. 7.
9. Long Diary, November 27, 1940, in Feingold, pp. 148, 331.
10. Long Diary, April 22, 1941, in Feingold, pp. 157, 332.
11. *Ibid.*, *Diplomatic Papers*, 1940, vol. II, p. 241.
12. *Ibid.*, p. 242.

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Handwriting on the Wall

by Paul Anderson

I don't claim to be a spiritual, economic, or political prophet. On the other hand, I see many of the predictions I made about Communism more than 30 years ago coming true. My 1955 predictions, although a bit premature, have become realities.

At that time the Cold War was at its peak; it was a surprising gesture for the Russian Weightlifting Association to invite the American team to Moscow and Leningrad for team-to-team competition. I was strictly a novice in the heavyweight class, but I had trained quite hard. I gained world fame overnight by breaking several world records; the Russians called me "the strongest man who ever lived . . . a wonder of nature."

When I visited the Soviet Union in 1955, I observed the people, their economic situation, and their living conditions. I found an attitude that seems to grow in a socialistic society when people begin to get their stomachs filled—their ambition accelerates along with their desire to be equal or better than others. A totalitarian government can remain in power only as long as its people are hungry and struggling for their everyday existence.

I returned home in 1955 saying that in 20 years the U.S.S.R. would begin to turn to a capitalistic system, and in doing so would come to us for technology.

One of the biggest eye-openers for me concerning the Russian people's hunger for more and better things in everyday life came one night in Leningrad. We were at a theater watching a wonderful production of *Swan Lake*. It was quite a long program; the custom was to have an intermission when everyone vacated the main auditorium and went into a large empty room where they did what was called "promenading." I wasn't very enthusiastic about just walking around the room, so I took a seat in one corner and soon was surrounded by the Russian press, who all seemed to be Party members. They immediately began to make the same type of innuendo that had arisen in the preceding few days. They posed leading questions concerning capitalism and Communism, as they tried to elicit positive answers concerning their way of thinking.

While we were waiting for the ballet to proceed, one of the more zealous reporters said, "I'll bet you've never seen anything like this before." I had always loved Tchaikovsky's music but had never heard the entire score performed in a theater as we were having the privilege of doing that night. By that time I was a little "hyped up" by what was developing into a mild argument, so I told them I had seen *Swan Lake* on television. The gentleman said it was a terrible shame that I had been deprived of such luxury and sophisticated living in my country. I inquired about what he meant by this, and he explained that there was no way that I could grasp the greatness of Tchaikovsky's masterpiece on TV. (Russian televisions were extremely small at that time; my first thought in seeing them was that you almost had to have one for each eye.)

I took the offensive at that point and told the

Paul Anderson, the 1956 Olympic heavyweight weightlifting champion, is founder of the Paul Anderson Youth Home, a refuge for teenage boys, P.O. Box 525, Vidalia, GA 30474.

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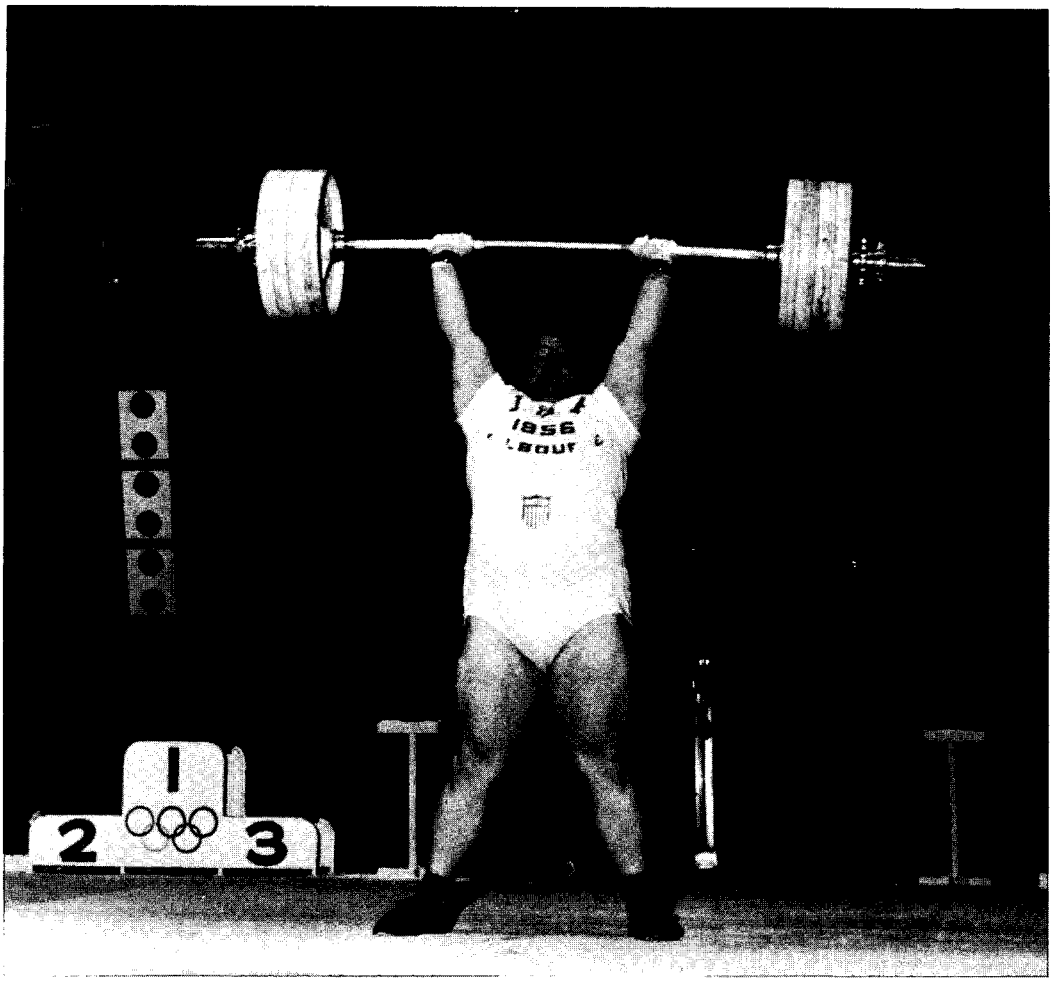

COURTESY OF PAUL ANDERSON

Paul Anderson at the 1956 Olympic Games in Melbourne, Australia, where he was a gold medalist.

reporters that our television sets were exceptionally large; and in describing the size I exaggerated, probably describing the giant screens we now have rather than our 24-inch sets of the mid-1950s. They looked at each other in a puzzled manner, and the main interrogator asked why we had such large sets. I explained that in our free enterprise system one manufacturer would make a nice large television set, but another company would produce an even bigger, clearer set, and sell it at a lower price. In turn, additional manufacturers would make ever larger sets, and all the while the consumer was getting better equipment for less money.

By that time the reporter who was interested in why I hadn't seen *Swan Lake* in person exclaimed, "That sounds like a wonderful system!" Needless to say, he received a grimacing look from his comrades, and I could see that he was relieved when we were soon beckoned back to the main auditorium for the continuation of the ballet. That night I saw the hunger of these people for something better, and their ambition to reach out beyond nuclear confrontation to more productive, rewarding lives.

No, I am not a prophet, and I was about 30 years away from the developments we are seeing in the Soviet Union today; but the handwriting on the wall was already beginning to make the future clear.

It was apparent even in 1955 that when people living under Communism or any other oppressive system develop a taste for something more, the system is doomed. Unfortunately, we see some Third World nations allowing their people to starve just to keep them under control. They need our prayers and our help, especially in reaching out to the people who are in desperate need and those who are dying of hunger. □

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Ambition and Compassion

by Ralph A. Raimi

Brutus accused Caesar of ambition, and killed him for it. Caesar's assassins saw in him a desire to be emperor at the expense of their own liberties and fortunes; it was a matter of him or them, no room for both. Ambition always has been suspect by those who imagine they have something to lose by it.

On the other hand, there often has been praise of ambition. In middle-class America a century ago the boy with ambition was encouraged and told he'd go far. His ambition was celebrated by Horatio Alger, Edgar Guest, and other writers whose popularity testified to the respect accorded the homely virtues by the man in the street. Thrift, honesty, responsibility, and—yes—ambition. His teachers encouraged his desire to grow up to be a banker or judge, if not President, and his parents sacrificed to send him to college. This kind of ambition wasn't seen as a threat, after all, and the success of the boy wasn't construed as the defeat of anyone else, as it would be in a poker game where the sum of winnings and losses is necessarily zero.

The notion of "zero-sum" is essential in analyzing the difference in these two attitudes toward ambition. If Caesar is emperor then Brutus is diminished; but the capitalist world of Horatio Alger (and William Howard Taft) was one in which there was room for an unlimited number of successful people. One man's wealth did not result from the next man's poverty, and didn't result *in* it, either.

It took no economist, in the America of 1900, to know this. The man in the street understood it well enough. In particular, the penniless immigrant, who came with nothing, saw that with work he could do better, and that there was no limit to what his children, with more time, could accomplish. That's why he came here. Our economy was not a zero-sum game; the more everyone produced, the more everyone had. A man's consumption, in the long run, was the result of his own production, and not stolen from anyone else.

The rise of socialist theory denied all this; it held that "property is theft" and it sought to spread the wealth according to a new notion of justice, a compassionate idea: "To each according to his need," rather than "To each according to his production." It was pointed out that some people are less fortunate in endowment than others. The boy who grows up in a slum and barely learns to read should not therefore have less to eat than a banker whose position might owe much to his father's having been a banker before him. And what about the ill and the handicapped, those who can produce very little compared with healthy workers with all their faculties in place—shall the blind be punished further by having to be poor besides?

Well, of course not; but what then? All this, it was then argued (by those whose exhibit of compassion had thus captured the high moral ground), would be cured only by socialism. There were many who came to subscribe to this view, sometimes in diluted form, as the 20th century matured. Despite detailed refutations by such philosophers as Hayek, Popper, and Schumpeter it took 70 years of the most painful experience, in the Soviet

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empire, China, Cuba, and Africa (and it is not over yet, alas), to convince the average man once again, in America and Europe at least, that the analysis is wrong and the cure is worse. In the workers' paradises of Eastern Europe, it turned out, it was *especially* those unfortunates who ended up with less than they did in the "heartless" capitalist world, though hardly anybody else was a winner, either.

Wolf in Sheep's Clothing

But while socialism by name has been discredited, the ceaseless propaganda of "compassion" has had its lasting effect. The mistaken lesson that remains with us might not be called socialism, but it certainly ends up saying that the highest human endeavor is the direct, visible alleviation of suffering, and the lowest human failing is the direct, visible pursuit of one's own interest. The result, the public policy known as the welfare state, is the wolf in sheep's clothing.

Public schools are forever having "social studies projects" in model classrooms where the students are busily studying local waste disposal and its effects on the homeless. Then when the reporter or Congressman asks what is the ambition, what is the highest aspiration, of the child brought before the camera, the answer (no coaching, please) comes out: "To help people."

Among adults already in the business of "helping people," on a typical interview program, the phrases of beneficence come pouring out in predictable sequence: "To work with parents," "to work in the community," to "work with" the poor, to work with the Indians, to work with the homeless, to administer a program. The only thing that stands in the way of human happiness is, just as predictably, "lack of funding," sometimes pronounced "Bush administration budget cuts."

Here are the words that must be used in all such contexts: Programs. Helping. Working with people. Federal funding.

Here are the words that must not be used: Charity. Pity. Generosity.

Here are the ideas that are never invoked, as ways of improving the lot of mankind, including the unfortunate: Production of goods. Efficient management of resources. Political stability. Mathematical competence. Freedom of choice. Capitalism. The ability to read, and to speak clearly. Value. Obeying the law. Superiority. Reliability. Ambition.

Ambition: The ambition to be something worthwhile, an engineer, a senator, a vice president for marketing, a baker, a cellist. Reliability in one's work: Getting there on time, preparing hamburgers that are properly done, driving a truck safely, designing a bridge—or a theatrical stage set—that stands up. Superiority of accomplishment: Doing something better than your neighbor can, or will.

On Minding One's Own Business

The list of human activities is enormous, and only a very few have been named here, but they are typical of activities that *do good* to others. It is hard to imagine anyone who does mankind more good, for example, than the producer of food—for is not food the first requisite of life? If nobody produced food, what good would it do to house the homeless or clean up the rivers? We would all be dead in a week or two. Going about one's daily business in a productive way is every bit as good for the public interest as the more explicitly "compassionate" professions.

How can we know when we have done mankind some good? Most of the more ordinary economic activities of mankind can be recognized as doing good to others by the spectacle of those others freely paying for them. It is exactly here that the legacy of failed socialistic theory remains with us in disguise. The idea that payment by the beneficiary to the benefactor is a measure of virtuous activity is one that we shall have to recover into our subconscious, after a century of propaganda against it.

Yes, the paraplegic is usually unable to pay his way, for good cause, likewise the retarded child, and the victims of so many other misfortunes who have a claim on our charity; and we answer that claim both privately and publicly. But if we concentrate on this aspect of the public weal to the disparagement of the 99 percent of it that is not charity, not "working with unwed mothers," we are building a state of mind where the only virtue lies in spending a third person's money on a second person's need, whereas selling a service directly to the beneficiary is seen only as evidence of greed.

The fact that doing one's neighbor good by selling him bread and radishes is construed as only doing *oneself* good (by collecting payment), and is

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GERT ZOUTENDIJK

Most ordinary activities can be recognized as doing good to others.

not put in the same class of magnanimity as the work of the social worker, teacher, or "environmental activist," whose pay is invariably described as lamentably low, testifies to a fundamental error being urged upon our moral thinking by the practitioners of these social services and their allies in the press, and surely in the schools.

Unless we induce in our children a respect for the ordinary productive processes, including the artistic (for man does not live by bread alone), there will be no value in all the compassion we see on the six o'clock news. Alas, as things now are, we are fostering the notion that the wealth of the nation is merely out there (no mention of how it got there), and that the job of the virtuous is to see to it that great gobs of it, via "funding," get to the unfortunate, through the fingers of the person who "works with" them.

A careful reading of history fosters a more even-handed picture of what it is to do mankind good. When in 1661 Isaac Newton went down from Cambridge into the country to escape the plague for a year, what did he do? Did he tend victims of the plague? He did not. He was more ambitious than that, and did what he was best at doing; he worked at mathematics and invented the binomial theorem for fractional exponents, and with it the beginnings of what is now known as the infinitesimal calculus. Had he tended the sick he might have comforted a handful of people. What he did instead can be calculated to have saved the life, the health, and the happiness of millions; for science as a whole, and the technology of modern productivity, have rested on the work he did in total indifference to the needs of the sick and the poor.

Newton is an extreme example, of course, and not every scientist is anything like as valuable as Newton. Yet it must be understood by children in school that the people to be emulated—even for those of us who aspire to the highest in morality, in virtue, in generosity, in working for our fellows—are not necessarily those who are touted as "caring" on the most superficial level. Rather, we should honor the ambitious, those who understand that their highest moral duty is to pull their weight and more, in producing what they produce best, whether of wheat, music, science, or service; and to do it assiduously and competently.

If then we get paid for what we do, that is no proof that what we are doing is being done for ourselves alone. To the contrary, if we get paid for what we do, *by those for whom we do it*, there is the surest proof that what we have done was wanted. To do what was wanted: compassion can have no finer goal than this, and ambition no sweeter reward. □

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Sir Henry Vane: America's First Revolutionary

by Sean Gabb

It was the 14th of June, 1662. Tower Hill in London was set up for an execution. The axeman was present, his axe freshly sharpened. A large crowd was gathered to watch. Vendors went about with trays of food and drink. There was a cheerful buzz of conversation, as gossip was exchanged, deals were struck, and bets laid. Suddenly, the condemned man appeared and mounted the scaffold. The crowd fell silent. As was his customary right, he began his dying speech, in which he might repent or explain and justify his actions. But on this day the authorities had withdrawn that right. As he began to speak, there was a sound of trumpets and drums from the guard. He stopped and began again. A second time, his voice was drowned—and a third. At last, he gave up the effort and handed a paper to his friends for later publication. He laid his head on the block. With a single stroke, it was cut off. The axeman held it aloft, crying out in a great voice, "Behold the head of a traitor!" So died Sir Henry Vane, America's first revolutionary.

He was born, in 1613, into the English landed gentry. His father held high office at the court of King James I, and was fast augmenting the already considerable wealth he had gained by marriage and inheritance. Young Henry was both clever and moderately handsome. Adding to these his family connections, he had the very fairest prospects before him. His father was rising high. Henry might rise still further—perhaps even into the upper reaches of the peerage. Then, at age 15, he was assailed by religious doubts that were to set his life into a new and unexpected course.

It was during the preceding reign of Elizabeth I that the English Reformation had been accomplished. Directed from above, though, rather than below, it had not gone so far as elsewhere. While its link with Rome was severed, and its creed rewritten, the church still had bishops and elaborate ceremonies and other reminders of the Catholic past. In place of the Pope, the Crown now stood at its head. It maintained all its old monopolistic claim on the people's faith. This arrangement had on the whole united the nation. Most Catholics had felt able to remain with the state church. Only a small minority at the other extreme had wanted a full reform along the lines suggested by Luther and Calvin.

But, small as it was, this minority could not be ignored. Concentrated in the towns, among the mercantile classes, the Dissenters had a significant voice in Parliament. Since it was to this body that the government had to apply when it needed money, they could seek to frustrate its wishes so long as it frustrated theirs. Under Elizabeth, disputes generally had ended in compromise. Under James and his son Charles—monarchs far less popular and less able—a regular opposition began to form. It was feared that any money given to these kings would be spent on a pro-Catholic foreign policy.

It also was feared that they were conspiring against the liberties of the people. This wasn't entirely untrue. For more than a century, the government had been setting aside the old common

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law protections of life and property just as it pleased. There had been lawyers ready to protest. But they found no public support. What now was so different was that rights were increasingly violated simply to enforce religious conformity.

Added to this, the theological doctrines of the Reformation were turning political. It was believed that a church ought to be nothing more than a voluntary union for the worship of God, and its ministers accountable to the ordinary members. It was an obvious extension to think also of government as a contract between rulers and ruled. By themselves, the common lawyers had been of little account. Allied with the Dissenters, they made a formidable opposition.

Therefore, when Henry Vane began to insist on taking the sacrament standing instead of kneeling, and to talk about the "inner light of conscience," he was setting himself apart from the English establishment. He made no effort to hide his views. Instead of the richly colored clothes worn by other young men of his class, he dressed plainly in black. He shunned all the pleasures then fashionable at court, preferring to sit with his Bible and to read the great Protestant theologians. He even was unable to study at Oxford because of his refusal to take the required oaths of allegiance to the king and church.

A Young Dissenter Abroad

Embarrassed, his father procured him a diplomatic appointment in Vienna, where he might come to his senses. He returned a more polished gentleman, his French much improved, but in faith unshaken. In 1635, aged 22, Henry Vane resolved to leave England forever and settle in one of the American colonies. There he would be free to worship according to his own opinions. He arrived in Boston on the 6th of October.

The settlements around Massachusetts Bay were only six years old. Founded by John Winthrop, a wealthy Dissenter, their charter differed from those of the other colonies: They were not obliged to have their head office in London, where the government could keep watch on their doings. By carrying the charter with him across the Atlantic, Winthrop was securing almost absolute independence. He took advantage of this to set up his own Protestant utopia, with an elected government and separation of church and state. He referred his fellow settlers to Matthew 5:14: "Ye are the light of the world. A city that is set on a hill cannot be hid." They were to be special in the eyes of God—an example to all other people.

The settlements flourished. The first seven ships were followed by others, as thousands and tens of thousands of Englishmen fled persecution and poverty at home for life in the New World. When Vane arrived, Boston already was a busy trading port.

Perhaps its citizens hadn't yet lost their regard for birth and English connections. Perhaps they were good judges of ability. Whatever the case, they welcomed him with open arms as "a young gentleman of excellent parts" who had abandoned his prospects at court "to enjoy the ordinances of Christ in their purity." Within a few weeks, he was appointed to a board of legal arbitrators. A few months later, he was made a freeman of the colony, with full voting rights. Almost immediately after, he became Governor of Massachusetts, in charge of defense and all other external matters as well as of the administration.

A Clearer Vision

It was now, between settling disputes with the other colonies and with the local Indians, that Vane completed his political and religious education. In England, he had been confined to books and, where they left off, to his own groping speculations. Whenever he had looked up, he was back in a country with a church and state that, in spite of a few changes at the Reformation, seemed to reach back into the mists of time. It was hard to imagine anything different. In Boston, he was at the head of a virtual republic. What he had once seen dimly, he now saw clearly. Yet, while his thoughts had been carried forward to where most of his contemporaries would have stopped, his own journey had only been accelerated. His destination lay somewhat beyond the practice of the most enlightened American colony.

The Dissenters had two complaints against the English government. It maintained a church that they abhorred, and it persecuted them. But this didn't make them into secular libertarians. Their own settlements in many respects were as intolerant and conformist as Stuart England. Religious freedom meant the right to belong to an approved Dissenting church and to no other. The freedom of

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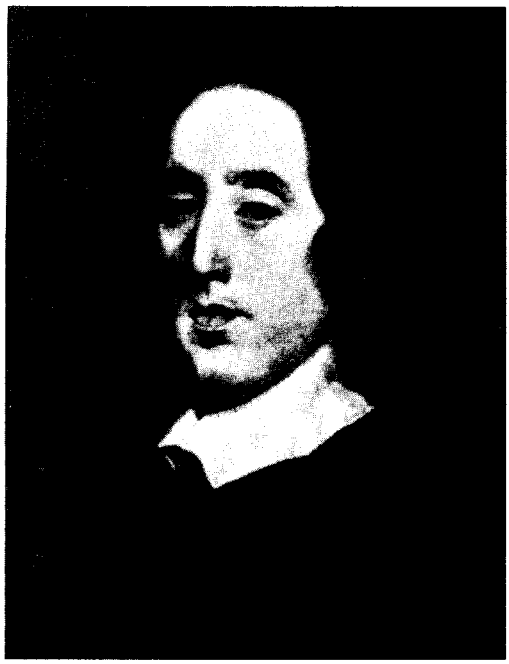

Sir Henry Vane (1613-1662)

these churches from state control meant their right to enter politics and have their own views enacted into law.

There was no hypocrisy in this. Whatever ought to be the case, we know that freedom has two meanings. Following John Locke, most classical liberals and conservatives confine its meaning to the right of men and women "to order their actions, and dispose of their possessions and persons as they think fit." In the early 17th century, almost everyone took the wider view now associated with Rousseau and the other anti-libertarian philosophers. For them, it also included freedom from domination by one's own baser nature. Accordingly, it was thought a proper function of a free government to foster virtue and put down vice. By this definition, the colonial governments were not, as they saw it, denying freedom when they excluded Roman Catholics and made laws against adultery.

For Vane, freedom took on something like its more restricted meaning. In America, he could abandon the notion, then prevailing among all parties in England, that rights were simply things inherited from the past, and had—and required—no other justification than constitutional precedent. Instead, he adopted a fully contractual theory of government. For him, "All just executive power [arises] from the free will and gift of the people, [who might] either keep the power in themselves or give up their subjection into the hands and will of another, if they judge that thereby they shall better answer the end of government, to wit, the welfare and safety of the whole."

Of course, looking at these words through Lockean spectacles, we might read into them a greater restraint on state power than Vane intended. Our reading is justified, though, by his views on religion. Government, he believed, was under no circumstances to interfere in matters of belief. "Magistracy" he wrote, "is not to intrude itself into the office and proper concerns of Christ's inward government and rule in the conscience, but it is to content itself with the outward man."

This rule applied not merely—as it did for Milton and even in some degree for Locke—to Protestants, but also to Roman Catholics and non-Christians. Almost alone in his age, Vane believed in universal toleration.

A Defeat for Toleration

It was his acting on this belief that brought his American career to an end. Mrs. Anne Hutchinson had announced that she possessed an inner light from the Holy Spirit, and that only those preachers named by her shared in the new truth. This was seen by many as blasphemy, and a prosecution was begun. Vane tried to defend her. But he could rally only a minority to the cause of toleration and civil liberty. He lost the 1637 gubernatorial election, and his opponents gradually excluded him and his party from further influence in the colony. On August 3, bowing with regret to the inevitable, he set sail for England.

Yet, while he left under the disapproval of those in power, he harbored no resentment. Throughout the rest of his life, he took a friendly interest in Massachusetts, defending its interests in general, and in particular encouraging the party of toleration.

Home again, he made a show of outward conformity. All that his father's influence could do was now done in his behalf. He was given a post in the administration. In 1639, he entered Parliament as a government placeman. Shortly thereafter, he was knighted. In July 1640 he married, and his wife's portion made him a wealthy man. He seemed, according to one observer, "to be much reformed

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in his extravagances," and "a man well satisfied and composed to the government."

The English Civil War

Had English politics continued their placid way, he might indeed have settled down, hoping now and again to smuggle a little humanity into the administration. But, in September 1640, English politics took a wholly new course, and Vane was compelled to choose finally between what was expected of him and what he felt to be his duty.

Tired of its complaints and obstruction, Charles I had dissolved Parliament in 1620 and spent the next decade raising taxes and legislating on his own authority. His means weren't always illegal. But the scale on which he used them was unprecedented, and his autocratic style of government raised widespread desire for constitutional reform. At last, an emergency placed him in need of so much money that he had to call a Parliament. The taxes were promised, but the price was reform. Although Charles consented to all that was initially proposed, his repeated bad faith led the opposition into demanding more than its moderate wing thought it proper for him to grant. The national consensus fell apart, and two parties of equal weight took its place—one standing with the king for what already had been achieved, the other wanting still further reforms. Opinion on both sides hardened, until the country drifted into civil war—the king against Parliament.

Vane chose without hesitation. Rejecting office and any further hope of royal favor, he sat from the first among the extreme radicals in Parliament. He took part in the impeachment of the king's more unpopular ministers. He spoke and voted for the abolition of bishops and the complete reform of the English church. When hostilities began, his natural ability and his American experience earned him a leading role on the Parliamentary side. He was one of the commissioners sent north in 1643 to negotiate an alliance with the Scottish revolutionaries—Scotland then being an independent country, though having the same king as England. In the following year, he proposed and helped to organize a provisional government in both kingdoms. He sat on the Parliamentary board of admiralty. He handled the often delicate relations between Parliament and its army.

No matter what the work required of him, he was sufficient for it. "He was," wrote one admirer, "usually so engaged for the public in the house [of Commons] and several committees from early in the morning to very late at night, that he had scarce any leisure to eat his bread, converse with his nearest relations, or at all mind his family affairs."

"He was," wrote one of his enemies, "all in any business where others were joined with him." He was, moreover, entirely free from corruption.

But, as the Parliamentary cause gradually triumphed, his own ascendency declined. By the end of the civil war, in 1649, Vane remained influential, but had little executive power.

The reason for this was disenchantment with the course of revolution. The 1640s had seen the bloodiest war ever fought on English soil and, in percentage terms, the bloodiest ever fought by Englishmen. Nearly 85,000 men were killed in the fighting. Another 100,000 died of wounds or associated diseases. Another 117,000 were taken prisoner. All this in a population of little more than five million. There had been the usual horrors —rapes, plundering, massacres of civilians. And what had been bought with so much blood and suffering?

Vane had hoped from the beginning for a golden age of liberty. He discovered only later that his colleagues had something else in mind. As in America, the majority of Dissenters cared for no other freedom of conscience than their own. With only a shift of its objects and beneficiaries, religious persecution was to continue as before. As for civil liberty, royal despotism was simply to be replaced by that of one party. In 1648, Parliament had been purged of its remaining moderates, and the most fanatical and intolerant school of Dissenters now formed the majority.

His disenchantment was completed by the trial and execution of the king. Though a radical, Vane was no dogmatic republican. "It is not," he wrote, "the form of the administration as the thing administered, wherein the good or evil of government doth consist."

Now that Charles had been defeated, and was a prisoner, it was best to use him. Never again would he dare to rule in defiance of law. But he could occupy a position that no one else was able to seize for himself. He was like fire—dangerous when out of control, but highly useful when tamed. To depose him would clear the way for every ambitious politician or general.

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Vane took no part in the king's trial. Though Parliament unanimously elected him a member of the ruling council, he refused his seat until the oath put to him approving the abolition of the monarchy had been changed for one merely promising obedience to the new government. His time in office he devoted mainly to naval and colonial matters. His interventions in domestic politics were generally unsuccessful. He was in the minority that opposed the establishment of the Presbyterian church to the exclusion of all others. He was again in the minority when he opposed the attempt to make Irish Catholics attend Protestant worship.

In 1654, by which time Oliver Cromwell had established himself as military dictator, Vane retired from active politics, preferring to carry on his opposition by pamphlet. In 1656, after one particularly savage denunciation of how the revolution had been subverted, he was arrested and imprisoned without trial for several months.

On Cromwell's death in 1658, he re-entered Parliament, now arguing for a properly settled constitution. The old king was dead. His son, living in Holland, was unknown and probably untrustworthy. It was time, Vane thought, to found a republic in England. He wanted an elected president and a single-house legislature. He wanted the security of life, liberty, and property to be guaranteed by a formal bill of rights.

The Restoration

But opinion was shifting away from experiments of this kind. England had had four written constitutions in ten years, and now seemed set to descend into chaos, as rival generals canvassed support among their troops to become Cromwell's successor. There was only one credible alternative to renewed dictatorship. During a few weeks in 1660, envoys passed repeatedly between London and Holland. It was proposed and agreed that the monarchy should be restored; that all reforms achieved by May 1641 should be affirmed; that there should be an amnesty for most of the treasons and other illegalities committed since then. On May 8, 1660, in an attempt to restore stable, legitimate government, Parliament declared Charles II to have been king from the moment of his father's death.

Though innocent of what was now called the "murder" of Charles I, Vane was thought by the authorities too dangerous to be left at liberty. His name went on the list of those who were to be excepted from the amnesty. He was charged with high treason for having compassed the king's death, for subverting the ancient form of government, and for having kept Charles II from the exercise of his regal power. His trial, by modern standards, was grossly unfair—though not unusual for the age. It was normal for defendants to be denied counsel and inspection of the indictment, and for judges to sum up for the prosecution, and for juries to be packed. Vane defended himself with all the ability to be expected of him. But that he would be convicted there was never any doubt.

The regular punishment for high treason involved an excruciating, drawn-out torture. Vane was lucky. He was granted "the mercy of the axe."

It is easy, looking back, to despise Vane—to see him as just another of those fools who pull down one government only to complain that the next is even worse. But we have an advantage over him. We know how and why most revolutions turn rotten. Vane had no such historical experience. For us, the events of the 1640s and '50s are variants from a standard pattern. To him, and those who shared his hopes, they were quite unexpected disappointments.

It is wrong, moreover, to judge him only by his achievements while alive. Whatever their fate in England, his name and reputation were preserved in America. The citizens of Massachusetts were especially proud to include him among their number. In the 1630s, he had stood among a small and easily defeated minority. Within 150 years, this minority had triumphed. Its leaders were responsible for the clearest and most solid safeguards of civil and religious freedom ever adopted into a constitution. Certainly, they had their debts to the Enlightenment philosophers. But their main inspiration from the first had been the English radicals of the previous century. Along with Locke, Sidney, Pym, Hampden, and a host of others, Vane takes his place behind the Founding Fathers of the American Constitution. □

Bibliographical Note

Vane's life can be found in both the (British) *Dictionary of National Biography* and in the *Dictionary of American Biography*. His trial and execution, together with selections from his writings, can be found in volume III of the *State Trials* (London, 1809). Milton's 17th sonnet is addressed to him.

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Feminist Censorship

by Jack Matthews

Recently, while sitting alone and drinking coffee in the faculty lounge of the university where I teach English, I noticed on the table before me a folder containing the *curriculum vitae* of a woman applicant for a faculty position in Renaissance Drama. I knew nothing about the woman, except that she was a recently minted Ph.D.; but before picking up the folder to examine her qualifications, I paused momentarily to wonder if it was possible she had written a dissertation on any subject other than one of feminist "relevance."

Deciding that such a possibility was negligible, I picked up the folder, opened it, and saw with dreary recognition that her topic was "politically correct." At that instant, a male colleague entered the lounge, and I asked him if he could remember seeing any reference within the past decade to a female scholar writing upon any but a feminist topic. He frowned a moment and then confessed that he could not. "Neither can I," I told him; after which we both sat in silence for a moment, reflecting upon the matter, the way males sometimes do.

But does this anecdote really point to an issue? Might not our pooled information reflect simple coincidence? The world is so complex, and we are so flooded with miscellaneous information, that the greatest conceivable coincidence would be for coincidences not to happen more or less constantly.

All true. And yet, there is so much growing evidence of reverse sexism that it cannot be ignored. A successful novelist who lives in California—a friend who also teaches and is familiar with the contemporary scene in higher education—recently wrote an essay about false accusations by women students against male professors. An editor of a prominent magazine wanted to print it, but said some of the women editors objected, arguing that what he described *could not be true*, although his report was based solidly on fact.

When he sent the piece to another magazine, the woman editor tentatively accepted it, then rejected it, explaining that a male feminist on the staff voted against publication. Later, when the novelist talked to that editor about his essay, he was told, "Our women readers aren't smart enough to understand this." To paraphrase the old saying: "With sympathizers like that, who needs enemies?"

Like sexism itself, de facto reverse sexism is alive and thriving. And, as the above anecdote shows, the virus is not confined within halls of ivy. Recently, a male writer received a rejection letter from a woman editor of a literary quarterly that had been regularly publishing his stories. She explained that the magazine was now under new editorship, and the other women editors on the staff felt that the old-fashioned, family-oriented stories he wrote were tainted with sexism. She assured the author that she didn't agree with her sister editors, but thought he should know that he had been prejudged and that any future work he submitted would be rejected for reasons that had nothing to do with literary merit. This is, of course, censorship—although not the sort that evokes

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those ululations of huff that greet, say, the refusal to use public funds for subsidizing the display of homosexual images in art galleries.

The evidence of reverse sexism is everywhere, and impossible to ignore. It manifests the classical pattern of dialectic, in which the intolerable excesses of an action are nullified by the equally intolerable excesses of reaction, awaiting a synthesis which in the best scenarios achieves something like justice.[1] Today, in part because of legitimate, widespread sensitivity to feminist principles, we are riding the curve of an antithesis whose moral and legal authority are not only sanctioned, but institutionalized—a situation that invites self-righteous excess and the corruption of unquestioned power.

The effects of the prevailing dogma can be seen in literary market listings which are designed exclusively for women as a privileged group, a category created to compensate them for their allegedly being barred from other markets. For example, in the current *Dramatists Sourcebook*,[2] four listings are open to women playwrights only, 13 specify a "special interest" in plays by women, and six in plays *for* and *about* women. But these figures do not take into account the bias implicit in the many additional listings which state preferences for work by or about "minorities" or for themes that reflect "current social issues." Then there are a few listings that are not "sexist" in its primary sense, but are so by implication, stating editorial policies that promote "lesbian and gay" values.[3]

Of course, there are *no* listings restricted to male writers, nor do I know of any elsewhere.[4] Some feminists would justify this state of affairs with the argument that, being privileged, males have no need of such apparatus. But think a moment: how real *is* that privilege? How long has it been since women have *actually* been denied equal access to the media? Or how long since they've not had as fair a shake as men in the tricky and intrinsically unjust game of literary criticism and book reviewing? To answer these questions honestly would clear the air; but militants of every sort tend to distrust clarity, thriving as they do upon intellectual mist and rhetorical obfuscation.

Guidelines need not be explicitly biased for fellowships, grants, and contests to be slanted against males. Consider this year's winners of the D. H. Lawrence Fellowship, an award ostensibly without gender privilege, simply dedicated to the "promise of enhancing the life of contemporary letters." In 1991 there were over 150 applications, many of which were described as "very strong." In fact, the committee chairperson wrote that he had heard "more than once from each of the judges about the high quality of *all* of the applicants." But this high quality was evidently not sensitive to gender balance, for the winner and both the first and second alternates were all women. As indicated by their names, all the *judges* of this competition were women, too. Could these two facts be connected? Only if fish swim and frogs croak. In these and similar positions of authority there are feminists of both genders who believe that some sort of compensatory bias is not only justified, but positively right and ethical. Give the good old boys a taste of their own medicine. Right? And ride the dialectical swing for all it's worth. And why not?

A humorless and self-righteous militancy can be great fun, of course. But it can also lead to bizarre entrapments, as when I recently had an essay returned by the editor of a literary quarterly, explaining that he could not consider it because the next two issues were to be devoted to "the female body." God knows there's nothing wrong with that; like most men, I can hardly imagine a more interesting subject. On the other hand, *as* a man I obviously have no authority in such matters . . . and yet, I can't help savoring the irony of my essay's being disqualified, for it was titled, "A Woman Great With Child in Pago." Why, I can remember the time when the female body's role in giving life was widely regarded as one of the most interesting and, yes, beautiful things about it.

Like sexism itself, reverse sexism doesn't have to be overt and conscious—much less blatant—to be insidiously at work in skewing judgments. In a world where feminist values have been—if not institutionalized as exclusively "feminine"—*italicized,* at least, and given special emphasis, some texts will naturally seem worthier than others. Some will be judged better solely in terms of "political correctness," while others may simply appear more modern, more socially responsible, more relevant and *with it.*

And who is likely to make such decisions? The very sort of franchised young scholar who—the instant you see her *curriculum vitae* lying on the table in a faculty lounge somewhere—you can be certain has written on a feminist topic. I speak of a

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feminist whose academic studies have been confined since her undergraduate years to texts by women or texts utilizing obligatory feminist critical strategies, strategies that have been decreed and ordained to emphasize and validate what are perceived as intrinsically, even exclusively, feminist values—values which cannot by definition be *human*, for they exclude that half of the human covenant which is male.

How tangibly will the world suffer when literary works are judged by the gender of their authors or their political message rather than by literary merit? The suffering would not seem very great, perhaps. And yet, such bias is a form of deceit and injustice; and even though these sins may seem trivial as measured by the average entry in some theoretical Guinness Book of Human Miseries, it is important that they are seen for what they are and called by their correct names. The world has enough lies and injustices. It does not need any more, even if they are judged to be small and insignificant; and even if they are told in the service of a legitimate concern, which I believe sexism to be.

But the rhetoric that promotes injustice is always dangerous and self-defeating, and we should have no more tolerance for reverse sexism than for sexism itself. Prejudice can take many forms; but everywhere, in all its variety, its results are sadly predictable. Inevitably it leads to resentment and frustration. It leads to the sort of article you are now reading, whose sole *raison d'être* is to repudiate the idea that injustice is tolerable if it is intended to correct another. And at its most virulent extreme, radical feminism demoralizes discourse, provoking bitterness and dismay as it peddles its peculiar brand of paralogical rhetoric, closed-minded arrogance, and self-righteous bigotry. □

1. This synthesis itself becoming the thesis of a new dialectic.
2. The Theatre Communications Group, New York.
3. One magazine, *Sinister Wisdom*, is edited by "Elana Dykewoman," and states "no heterosexual themes."
4. I do not count traditional men's and women's magazines, for they are explicit about their markets, and, so far as I know, equally hospitable to both genders. The 1990 *Writer's Market* lists only 18 men's magazines to 39 for women; but I don't view this disproportion as sexist; it simply indicates a larger targeted readership for women's magazines.

Now Beauty Is a Liability

by Tibor R. Machan

Back in 1974 I started editing an interdisciplinary scholarly journal, focused mainly on social and political issues. After the journal got some attention among colleagues in various fields—mostly in my field of philosophy—we began to receive submissions from scholars of a wide array of persuasions.

I recently was reminded of one such submission we had turned down after it had gone through the regular peer review process. What reminded me was a book review in *The New York Times* of a work in which the author, herself a beautiful woman, discussed how awful it is that men have imposed high standards of good looks on women throughout the ages.

The paper argued that it is morally wrong, indeed unjust, to heed the appearance of a person as one considers asking him or her out for a date. Why is that so, one might ask? The reason is that a person's natural good looks are not something he or she deserved and thus shouldn't benefit from. Only if one chooses a date or even a friend on the basis of something good that the individual has done of his or her own free will does it qualify as a morally proper deed.

Now at first blush there is a ring of plausibility

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to all this. If one is considering rewarding people for something, surely it is important to choose what they have achieved as grounds for the prize. Olympic medals aren't given for just being tall or healthy. The Nobel Prize isn't handed out merely for having a high IQ. A person has to accomplish something to deserve accolades. Only on television do folks regularly get prizes as a matter of pure luck.

But when I choose a companion or date, am I handing out rewards? It's quite self-deluded to look at it that way. Rather, one is choosing a benefit for oneself. One wants the company of someone who is pleasant, appealing, and the like, initially at least. Later, once one comes to know the person better, one hopes for the emergence of those traits of character that do deserve admiration. What the looks of another person offer is akin to what one seeks from a gorgeous sunset, a fine aroma, or a beautiful flower: something esthetically pleasing. And why should that be a liability? Why are we somehow worse for desiring attractive natural features in our companions or dates, not to mention mates?

Certainly one can place too much emphasis on esthetics. Yet, consider that for centuries the bulk of humanity couldn't even begin to exploit the esthetic aspects of itself—women and men simply got by, struggled for bare survival, and could neither ask for nor offer delightful pleasantries to each other. In our day, when finally millions of us are able to pay some attention to what may be esthetically or otherwise pleasant about us—never mind that these begin with our natural attributes—why would some people denigrate those who accept such gifts? Why should those who can offer them be deemed shallow?

The reason is actually political: no one is supposed to benefit while others are not doing so. Just as the well-to-do are denounced for having more than others—many blame them for enjoying life so long as there is one remaining poor person left in the universe—so with other benefits, especially ones people simply inherited through their genes.

Just think of how much hostility there is toward inherited wealth. Why? Because, for example, it is widely contended that we are all one, and if parts of us aren't getting enough, the rest of us also should suffer. Much political thinking goes along these lines. Humanity or the country or some other group is picked as a kind of natural team to which

all of us belong and the collective welfare of which is something we are all duty-bound to support. If anyone is less well off than some others, that is considered intolerable.

Now if there is one thing that is prized nearly as highly as money, it is good looks or sex appeal. And in this case it is often more plausible to say that the owner of such an attribute has done little to achieve it. It is a native asset, more like inherited than created wealth.

Never mind that most attractive people must do something to keep fit and look well. They are working with an advantage, and heaven deliver us from advantage—it threatens the contemporary ideal of total uniformity among humankind.

Instead of this awful egalitarianism, it makes much better sense to see us all faced with the task of making the most of what we were born with and are given by those around us who choose to give to us. If within these limits we do well, we probably are both fortunate and deserving; if we do badly then we get the opposite mixture. But in neither case does it justify playing Robin Hood with these benefits and liabilities. No one is justified in depriving us of what we find freely bestowed upon us.

And if a person is attractive, and gains by this good fortune, so be it. Those of us who have the chance to be with such people shouldn't have to give up this little delight in our lives simply to please those surly folks who cannot stand anyone being better off than those less fortunate among us.

Why begrudge the rose its fate of not being an ugly weed? And why begrudge our luck in finding the rose? □

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The Thomas/Hill Hearings: A New Legal Harassment

by Richard B. McKenzie

Like millions of other Americans, I was drawn to the television to watch the Clarence Thomas/Anita Hill showdown. I was revolted by what I saw and heard, so much that I could watch in only short doses.

Unlike many of the Congressional orators, however, I was never outraged by the language or incidents described in graphic detail. I have often heard explicit language from female and male colleagues, and even from teenagers. While many reacted in disgust, I suspect that everyone in the hearing room was familiar with the sexual particulars being aired. The senators seemed to know exactly what activities were at issue, even though exotic descriptions at times were used. I had to wonder who was acting.

My disgust also had nothing to do with my position on sexual harassment. Then again, it had everything to do with my more fundamental position: No one should have to endure harassment in any form in any place.

It wasn't until after Thomas's confirmation vote that I began to understand my revulsion. I had witnessed the perversion not of sex, but of governmental processes and authority. The inconsistencies and contradictions that came out of the hearings didn't involve the testimony, but the hearings themselves.

Here we had someone asserting that she was harassed by another and calling for Congress to address the matter. But there was little or no hope that any of the claims could be corroborated or validated. The committee members, and everyone else, were being called upon to divine the truth about events supposedly played out behind closed doors—totally private, out of the sight of everyone but God. The difficulty of seeking the truth without objective means was part of the problem. In addition, the alleged events were old, and their descriptions were likely warped by the passage of time.

Given the conflicting tales of woe and the rotating testimonials, it is no wonder polls revealed that Americans rode an emotional roller coaster during that long October weekend. In September, before the Thomas/Hill confrontation, 63 percent of those surveyed supported Judge Thomas's confirmation. However, on Tuesday of the hearing week, support for Judge Thomas fell to 50 percent, only to rise to 59 percent the following Monday.

I suspect that many people, like me, were upset by the apparent incongruities: One person's charge of harassment was, in effect, harassing another person. And the charge was being made, not to bring to light Judge Thomas's alleged transgressions, but because he had become important. To that extent, the Goddess of Justice was being asked to pull down her blindfold and exact punish-

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"Human relationships are murky areas for governments because they are so complex, delicate, and involve millions of facts and variables—few of which are objective."

ment based on who the accused was and the position he might hold. As an observer, I was being asked, in the name of justice and fairness, to suspend one of the most fundamental tenets of a good and just society—that all men and women are to be treated equally *under the law*, not only when they are considered for the Supreme Court.

Professor Hill is obviously a decent, credible, and responsible person in most ways, and her sincerity showed. However, in making her belated charges, she asked us to atone for her failure to expose Judge Thomas's alleged behavior at the time it supposedly occurred, to believe that there was no political motivation in the timing of her charges, and to make a judgment and take punitive action within the course of a few days that she had been unwilling to make and take for almost a decade.

Professor Hill and her supporters beseeched us to condemn a man with whom she stayed in cordial contact for nearly 10 years, and whom she didn't report to legal authorities at the time. What a terrible request to make of others.

What Did We Learn?

The lessons from the Thomas/Hill hearings are deeper than sensitizing men to sexual harassment. The most important lesson is that the powers of government are limited because public officials are human, because judicial and Congressional resources are expensive, and because there are limits to how many public resources can be devoted to any purpose. Judges cannot be everywhere and all-knowing. They must be detached, and they must rule by what is objective—what they can see and hear and touch.

It is extraordinarily difficult for government officials, juries, and Congressional committees to make judgments based on the word of one person. This is because the potential volume of complaints based on a single person's statement will likely exceed the available resources to handle them, and because the person making the charge might be no more honorable—and might be less so—than the person being charged.

Human relationships are murky areas for governments because they are so complex, delicate, and involve millions of facts and variables—few of which are objective. What is appropriate in one context involving two consenting adults might be totally inappropriate when another context or two different people are involved. The minute details of the Thomas/Hill relationship that could not be told in the committee setting, because they couldn't be articulated (even if they could be remembered) in the time allowed, were crucial to the judgment that senators in the hearing room and Americans in their living rooms were being asked to render.

Regrettably, women's rights advocates would have us believe that broadening the definition of sexual harassment and dropping the burden of proof would fortify social behavioral norms and legal protections for women. They don't seem to realize that standards are standards—for all. When applied generally, loose standards of proof are subject to gross abuse—to the potential detriment of women, especially in a male-dominated world.

The Thomas/Hill hearings obviously prompted women to re-examine their own past harassment problems. However, they lowered the standard of what constitutes sexual harassment, causing many women to look upon unwanted and overly aggressive verbal advances as "sexual harassment," a phrase formally reserved for significant abuses of power relationships accompanied by provable damages.

It is understandable that, as the hearings progressed, the percentage of women claiming to have been sexually abused rose. On October 8, an ABC survey showed that 16 percent of women indicated

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Clarence Thomas is sworn in before testifying to the Senate Judiciary Committee.

they had been sexually harassed. By October 14, the number climbed to 33 percent.

Broadening the legal scope of sexual harassment may lead to more government penalties, but it also can undercut the stigma that otherwise would follow the harasser. With a broader definition of harassment, many might assume that the guilty party had done nothing more than make an unwanted advance.

Individual women (and men) always will be the first and most effective line of defense against sexual harassment. Professor Hill, however, apparently took no such action; she even followed Judge Thomas to another job. She never used the first line of defense, if the events she described in fact occurred. As Federal Judge Alex Kozinski recently reminded *Wall Street Journal* readers: "[W]itnesses, generally believed to provide the most reliable evidence, in fact are highly unreliable. They filter events through the lenses of their biases, perceptions and perspectives; they forget; they embroider; they lie. Perhaps most dangerous is the witness who is firmly convinced of something that just didn't happen: Imagination insidiously fills in gaps of memory so the witness is able to tell a vivid, detailed and convincing story, but one bearing little relationship to reality." This is why charges of criminal conduct are best relegated to trials where strict procedural and evidential rules apply.

Sexual harassment charges that are brought for judication must have some objective content, some manifest evidence, some means of clear resolution by outside observers, and they mustn't be minor. Otherwise, we as a society run the risk of creating a harassment problem —official harassment by the state and devious people who would exploit state powers —that is potentially no less odious than the harassment of one individual by another.

I watched the Thomas/Hill hearings with a growing sense of apprehension. I feared that the American system is being perverted, and that I was observing a new and destructive form of legal harassment. Before the weekend was over, it was plain that both Thomas and Hill had been harassed beyond belief—legally. □

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Attack in the Adirondacks

by Michael W. Fanning

Ron Liccardi, the owner of Liccardi's Family Restaurant in Keeseville, New York, had ambitious plans for his property. By filling in a portion of his 10 acres with stumps, brush, dirt, and other debris, he hoped to construct a driving range, develop a picnic area and campground, and expand his parking lot. The State of New York, however, had other plans for the small-town diner owner.

In July 1990, the state declared that Liccardi's property contains wetlands. Claiming that development on his land would harm these wetlands, the state threatened him with a $2,500 civil penalty and a lawsuit should he persist with his plans. Yet the state's wetlands assertion puzzles the businessman because his property is 600 feet away from and 100 feet higher than the Au Sable River that marks the rear boundary of his land. Indeed, the diner is situated on land higher than three-quarters of Keeseville.

Liccardi acknowledges that his land may contain a puddle or two, but points out two culverts that empty onto his "wetlands." Liccardi says, "The Au Sable River is not known to overflow. The water on my land comes from the street drainage pipes installed by the state which turn my land into a 'wetland'—a man-made wetland."

Nonetheless, Liccardi, already facing $1,000 in legal fees, can't afford the added expense of a lengthy lawsuit against the state. Consequently, he was compelled to level off and pull back the fill he already had deposited. He now sits on acres of unusable land. Liccardi says, "I can't use, can't touch, can't even cut a tree on my property even though I pay taxes on it." Discouraged and outraged, he has put his diner and land up for sale, well aware that state regulations have greatly reduced the market value of his property.

* * *

Bob C., a paraplegic, lives alone on his five-acre plot in a small hamlet located in northeastern New York, several miles shy of the Canadian border. To raise money to pay for a visiting aide, he decided to start a small enterprise. After securing state approval, Bob launched a used car business on his land. His business flourished for a dozen years.

Then a wealthy man bought 100 acres next to Bob's property, built a road up a hill, and constructed a magnificent home. Yet, every time he drove up or down the road to his home, the wealthy neighbor passed the 10 or so cars parked on Bob's lawn. The sight of these cars annoyed him, and he lodged a complaint with state officials.

The state dispatched an agent to investigate. The agent informed Bob that, despite government approval of his business 12 years ago, he must remove the cars from his property. Horrified at the prospect of losing his business and, ultimately, his land, Bob enlisted the help of a friend, and together they mounted an appeal.

The two men were elated when they won their first hearing. Two weeks later, however, they were stunned when state officials abruptly changed their mind. The men then prepared

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another appeal. Again, state officials vacillated. Although Bob has prevailed in protecting his property rights (at least for now), he came perilously close to ruin, even though he had not violated any laws. He had merely offended the aesthetic tastes of a neighbor who moved in 12 years after Bob had started his used-car business.

* * *

Jim Hemus retired from the vending machine business, eagerly anticipating subdividing a portion of his 31-acre spread. The retiree's rural Willsboro, New York, property is traversed by an 80-foot-wide wetland. Even though he, like Ron Liccardi, pays taxes year after year on his land, Hemus is unable to improve, much less subdivide the 25 acres of his property that lie beyond the wetland because state officials won't give him permission to build an access across the marsh. Exasperated, Hemus exclaims, "They have regulated to the point where we can't use our own property!"

* * *

These three men are subject to extraordinary government regulations because they are inholders in New York's Adirondack State Park. *Inholders*, a term coined by the federal government, are "those who own property or any 'equity interest' within the boundaries of Federal or state managed areas, or who are impacted by the management or regulation of such areas." The National Inholders Association of Battle Ground, Washington, lists four criteria: "You're an inholder if [1] you own a home, property, easement or other partial interest in property in any [Federal or state-managed] area. . .[2] you own a mining claim, grazing right, have a permit for a residence or other use, or a permit for access to any of the above uses . . . [3] you have a permit to do business—a lodge, trail rides, river rafting, or outfitting, for example . . . [4] you own property adjacent to, or proposed for inclusion in, a Federal or state-managed area."

The experiences of Ron Liccardi, Bob C., and Jim Hemus are evidence of a 19-year assault by the State of New York on the private property rights of Adirondack inholders. It is an attack orchestrated primarily by New York State's Adirondack Park Agency, disguised by environmentalism. It is a story of oppressive statism, repeated against inholders across the United States, depriving Americans of their liberties and property rights.

Private Property Regulations

Two-and-a-half times the size of Yellowstone National Park, and encompassing more land than the states of Rhode Island, Delaware, Connecticut, Hawaii, New Jersey, Massachusetts, or New Hampshire, the 6,000,000-acre Adirondack State Park in northeastern New York is the largest wilderness area east of the Mississippi River. It boasts 2,800 lakes and ponds, 1,200 miles of rivers, 30,000 miles of brooks and streams, and 42 mountain peaks rising more than 4,000 feet, topped by Mount Marcy at 5,344 feet.

The state park is unlike many national parks in that New York State owns only 42 percent of the land inside the park, while private citizens own the remainder. The park contains 93 towns and 17 villages. In 1885 the New York State Legislature designated the state-owned lands within the park as the "Forest Preserve": "The lands now or hereafter constituting the Forest Preserve shall be forever kept as wild forest lands. They shall not be sold, nor shall they be leased or taken by any person or corporation, public or private."

Since 1892, a "Blue Line" has delineated the Adirondack State Park on maps, and includes within its boundaries a patchwork of public and private lands. According to the Adirondack Park Agency, "During the last 100 years, numerous purchases have increased the Forest Preserve from the original 681,374 acres to its present 2.6 million acres. The Blue Line, originally encompassing 2.8 million acres, now encircles nearly six million acres."

The 1,300-member Adirondack Fairness Coalition notes, "Although the state of New York owns nearly half the land and water within the Adirondacks, the remainder is private land that includes 70,000 structures, 3,000 miles of roads, and more than 130,000 permanent inhabitants." These private lands, however, are strictly regulated by a New York State land use law, administered by the state-appointed Adirondack Park Agency (APA). So strict are these regulations, in fact, that one is hard pressed to distinguish private from public land; private land within the Blue Line is seemingly private in name only.

The outgrowth of a 1968 study commission assembled by Governor Nelson Rockefeller, the APA emerged in 1973 from "a comprehensive plan for the vast, under-populated region of the Adirondacks. The plan aimed at preserving the

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BRIAN SUMMERS

Ron Liccardi, in front of his restaurant in Keeseville, New York.

unique characteristics of the region with a pattern of mixed public and private land ownership with state-level guidance of development," according to the June 1991 issue of the *Land Rights Letter.*

Although there was some opposition to the Adirondack Park Agency Act and the Land Use and Development Plan in 1973, "Little did Adirondackers realize how this legislation would affect their lives and affect everything they do on their property," observes Andrew Halloran, an Olmstedville, New York, attorney and vice chairman of the Adirondack Fairness Coalition.

Since 1973, the APA has imposed thousands of zoning regulations. The APA Act and the Land Use and Development Plan zoned all private property into one of six land use categories: hamlet, industrial, moderate intensity, low intensity, rural use, and resource management. These categories "allow subdivision and construction up to certain densities in different kinds of settings," according to the Commission on the Adirondacks in the Twenty-First Century, appointed by New York Governor Mario Cuomo in January 1989 to develop recommendations for the park's future.

The zoning legislation allows inholders to construct one structure per 1.3 and 3.2 acres respectively on "moderate use" and "low intensity use" property. In the "open space" zoning categories, one principal building per 8.5 acres is permitted on "rural" designated land, and one building per 42.7 acres is allowed on "resource management" zoned property. "Hamlets" are identified by the Commission as "population and commercial centers, where the most intensified development is intended" by the APA. State law requires that mining and wood manufacturing occur only on "industrial use" private property.

In his book *The Adirondack Rebellion,* Anthony N. D'Elia noted: "More than 50 percent of the privately owned land has been zoned one home per 43 acres. This has destroyed land values without compensation from the state. Other densities allowed are 8.5 acres zoning (35 percent of private land) 3.2 and 1.3 acre for the small balance of privately-owned land."

For every conceivable use of an inholder's property, the APA has come up with a restriction. According to the Adirondack Park Agency Rules and Regulations, for example, as a "general rule" private property owners in the Adirondacks cannot develop or subdivide their land "in a land use area not governed by an approved

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local land use program, without first obtaining an agency permit."

Additionally, the agency prescribes official regulations for "projects involving more than one land use area," "projects located in critical environmental areas," "along land use area boundaries... subdivision into sites... division of land by gift... preexisting subdivisions...." If a businessman expands his hotel, motel, tourist accommodation, ski center, golf course, sand, gravel, or mineral extraction enterprises, he must obey restrictive "increase and expansion" regulations.

Moreover, the APA regulates private timber harvesting activities. "Clearcutting of more than 25 acres, except within industrial use areas and non-wetland areas within hamlet areas" falls under APA jurisdiction, thus requiring an agency permit. In order to secure the permit, property owners must fulfill "general requirements" as well as numerous "standards for the review of clearcutting." In addition, "no application for a permit to clearcut shall be deemed complete unless it includes a draft harvest plan," which in turn entails more requirements.

Inholders wishing to build a home on a shoreline, for instance, must comply with extensive APA "building setback, vegetative cutting... minimum lot width... [and] minimum on-site sewage disposal system setback restrictions" to name a few. The APA also has decreed lengthy "Special Provisions Relating to Wild, Scenic and Recreational Rivers... [and] Freshwater Wetlands" located on private land.

This is but a small sample of APA dictates applied to the property of private citizens. Adirondackers didn't settle their families and construct their homes on public land in a public park but on *private* land long before state bureaucrats encircled their property with a Blue Line. In the words of Fred Monroe, chairman of the Adirondack Fairness Coalition, "Wherever you go [in the park], you'll find places where real people have lived since colonial days. Go down a side street, and you'll find tombstones in churchyards that date back to Thomas Jefferson's presidency."

Battleground

For nearly two decades, Adirondack State Park inholders have been defending their liberties and property rights against the assaults of environmentalists and bureaucrats. An August 23, 1976, *New York Times* article describes their response to APA policies only three years after the agency's inception:

> To the tourists and summer vacationers on the lakes and mountains, the Adirondack scene is placid. But to local residents, their land has become a battleground where the most stringent land use controls in the nation have been imposed by outsiders.... When the new law went into effect, it resulted in the classic confrontation of conflicting philosophies that emerges in all zoning fights—the right of personal control of private property versus the right of the state to regulate development in the interest of all the people.
>
> "What kind of a free country is it when a man can't build a house on his own property?" asked Lawrence J. Reandreau, a Vietnam veteran, standing near the foundation of a house he had just started to build on the banks of the Raquette River in violation of agency rules....
>
> To the [APA] agency staff, Mr. Reandreau was the innocent buyer of a lot in an illegal subdivision who received permission to build after all the legalities were straightened out.
>
> To Mr. Reandreau, the agency was the epitome of Catch-22 administration—it sent him incomprehensible letters, he said, cited new regulations, imposed impossible time schedules and finally gave him permission to build after he notified it he would go ahead anyway.
>
> "Those delays are going to cost me more than $5,000," he said.

Experiences like Mr. Reandreau's have multiplied over the years as the APA has formulated more regulations and tightened enforcement. Carol W. LaGrasse, a councilwoman in the town of Stony Creek, New York, and executive director of the Adirondack Cultural Foundation, reports, "The APA travels the back roads on the lookout for even a new back porch a family might start putting up without the long, drawn-out agency review process that costs many times more for lawyers than the porch."

The imposition of expensive and complicated zoning regulations coupled with lengthy bureaucratic review processes effectively render individual liberties and private property rights meaning-

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less in the Adirondacks. Consider the case of Jim Morris, the father of 10, who bought property in the Adirondacks so he could parcel the land among his children. Says Morris, "I had a dream that my children and grandchildren would be living all around us."

He bought 272.5 acres in Johnsburg, New York, with the intention of subdividing his land into approximately 28 lots as permitted under APA building density requirements. Morris insisted on complying with the full letter and spirit of the law because, as he explained in the May 8, 1991, edition of the *Warrensburg-Lake George News*, "I don't want my children to have to fight. I don't want to have to worry about the other shoe dropping after I'm dead."

The APA took three years to review the Morris application. During that time, the agency conjured up a new zoning category termed "back country," which combines the 42.7-acre "resource management" and 8.5-acre "rural" zones, so as to dispute Morris's legal right to partition his property into 8.5-acre lots. Moreover, the agency demanded that Morris install sewers, water lines, utilities, and perform maintenance on the town road that leads to his property. According to the *News*, APA Operations Director William Curran notified Morris in April 1990 that "the Agency requires the subdivision infrastructure either be built or bonded for prior to conveying lots."

After three years of demands, delays, restrictions, frustration, humiliation, and with the Morris family $35,000 poorer because of legal and engineering fees, the APA concluded that the Morris project didn't fall under its jurisdiction in the first place! Carol LaGrasse writes in the July 10-16, 1991, issue of *The Adirondack Journal*: "The APA decided after three years that the application was an example of a bona fide gift to family members and that as such it was exempt from APA jurisdiction. . . . The APA predicated their non-jurisdiction ruling on Morris keeping each lot to at least . . . seven acres per lot." Thus, Morris was compelled to start all over again and undergo another planning review process with the local Johnsburg Planning Board.

Experiencing firsthand the danger that agency zoning restrictions portended for the cherished rights of Adirondackers, Anthony D'Elia was one of the first to lead the charge against the APA in the early 1970s. Out of his personal battle with the agency came his *Adirondack Rebellion* book illustrating APA tyranny.

A summer mecca for Presidents and other luminaries around the turn of the century, Loon Lake, New York, gradually fell into disrepair. In May 1970, D'Elia, an industrial engineer and teacher, arrived from New York City with an idea. Mustering his life savings and persuading three friends to invest with him, D'Elia bought 3,500 acres of land in Loon Lake, determined to renovate and restore the resort to its former glory.

According to an April 23, 1990, article by Lorraine Littlefield in the Plattsburgh, New York, *Press-Republican*, "They tore down seven buildings beyond repair, and set about renovating the 22 that remained. D'Elia built 3.5 miles of new roads and modernized the water, sewer and electrical systems. He drew up plans for 345 homes to be built on one-to-10 acre sites. Two-thousand-one-hundred acres would be left forever wild and commonly owned."

A self-described environmentalist, D'Elia initially welcomed the birth of the APA in 1973. He viewed the agency as an important means by which to protect the Adirondacks. However, after spending four months and thousands of dollars developing a master plan and an environmental impact study requested but subsequently rejected by the APA, D'Elia realized that the APA had more on its agenda than wilderness preservation and protection. According to the *Press-Republican*, "When the work was completed, the agency said that they needed different information. He hired biologists, botanists, limnologists, geologists, as many as 40 people working at one time to furnish the data that filled 900 legal-sized pages . . . at more than $100 per page. The public hearing in 1974 went on for four months. Legal fees came to $30,000 and transcripts $12,000."

A Hollow Victory

Although the APA eventually approved D'Elia's project in 1975, it was a hollow victory for the developer because the agency conditioned its approval with 62 stipulations. Indeed, one of the requirements by itself was enough to torpedo the Loon Lake project: the APA ordered that "Loon Lake be monitored for five years by analyses of 168 water samples each month . . . [with an estimated] cost at $100,000 per year." Because the

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APA's 62 stipulations were so expensive, D'Elia abandoned his project.

The *Press-Republican*'s Chris Mele writes in the April 26, 1990, issue: "D'Elia and other APA opponents maintain that the state's zoning in the Adirondack Park is so restrictive that it effectively deprives private property owners of their land without compensating them." Lorraine Littlefield reports in the *Press-Republican* that New York State Supreme Court Judge Harold Soden concurred with D'Elia's sentiments when the judge "ruled that [D'Elia] had a valid suit in charging that the demands for conceptual review and approval of projects were an improper exercise, a taking without compensation, and a violation of the right to equal protection under the law."

Inholder Judy Ford is the director of the Au Sable chapter of the Adirondack Solidarity Alliance. It is one of several grassroots organizations that have sprung up in opposition to the APA. The Solidarity Alliance advocates "home rule" in the Adirondacks as opposed to state control, and Alliance members serve as "defenders of the right to own and freely enjoy private property in the Adirondacks."

The Alliance warns inholders that "in many cases it takes lots of money and legal assistance to start and finish a permit process. You often find that one permit application leads to another and another. . . . It is naive to think the APA hasn't targeted the Adirondack native for extinction."

Mrs. Ford describes the people of the rural Adirondacks as "tough, independent, who must live by instinct and create their own jobs" to survive. Many operate small businesses to earn a living, and the work ethic of such enterprises has inculcated in Adirondackers the importance of individual liberty and private property rights.

Inholder Howard Aubin, the owner of a small sawmill, asserts that Adirondackers no longer live in the United States but in a possession of New York. He says, "We lost the rights that everyone else has in this country. We don't have them here." Judy Ford states, "The worst thing is that when you get up in the morning, you know that people can do various things with their property and business, but we can't do it here."

She calls attention to a statement made by Governor Cuomo that appeared in the March 12, 1990, issue of *The New American* to make her point. The governor said, "Yes, we have taken away some of the rights of the people living in the Adirondacks, but that's the penalty they have to pay for living there."

Describing APA hearings, the Solidarity Alliance warns inholders: "You are presumed guilty. Not only do you have to prove yourself innocent, but must also prove the APA wrong. Maybe this is what the governor meant when he said natives of the Adirondacks have given up some of their rights." In any event, Judy Ford asks, "Can you imagine a governor saying this?"

No One's Patsy

Attesting to their heritage of independence and self-reliance, Adirondackers have been anything but passive in the face of APA assaults on their rights. For example, secluded Crane Pond Road in the town of Schroon Lake is an easy-access town road that leads to fishing and picnic areas. It is particularly popular with the elderly because of its accessibility.

After the state bought the land on both sides of the road, it suddenly closed it by placing large boulders at the road's entrance in December 1989. The Solidarity Alliance views the road as "a symbol of the state's oppression of Adirondackers." Undeterred, and outraged by yet more governmental encroachment, on June 2, 1990, inholders moved the heavy stones to the town square of Schroon Lake. They spray-painted the words "Stones of Shame" on them, and several days later hauled the rocks to Albany, the state capital.

On Labor Day weekend, 1990, members of Preserve Appalachian Wilderness, an offshoot of the violence-prone Earth First! group, decided to take matters into their own hands and close the road once and for all. But after being confronted by angry residents led by Donald Gerdts, head of the 22,000-member Citizens Council of the Adirondacks, the radical environmentalists deemed it wise not to return. Crane Pond Road remains open.

One widely reported July 1991 incident, involving three APA inspectors, illustrates the growing volatility of inholder tempers. After completing a site survey involving the placement of a sign on private property in Au Sable Forks, three APA agents were fired on as they drove off. As many as 12 bullets were fired at the APA agents, and one bullet punctured the right-front tire.

The July 9, 1991, edition of *The Saranac Lake*

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BRIAN SUMMERS

Author Mike Fanning on Crane Pond Road, which has been kept open by the efforts of independent Adirondackers.

Daily Enterprise comments, "Since the creation of the APA in 1974, the agency has come under verbal abuse by some Adirondack residents who view the APA as dictatorial in enforcing stringent land use regulations." Judy Ford believes the APA "realized for the first time just how vulnerable they are in the wilderness and how much they are hated. Violence is breaking out because people are so fed up and frustrated. No one is listening, so people are resorting to this. Many were even heard saying, 'Aim higher next time!'"

Howard Aubin notes, "The fight up here is always touted as the fight between big developers versus environmentalists, but the opposition is coming primarily from the people who have had to stomach the APA for 19 years. Yes, developers are fighting too but the people are so upset, they are rising up."

Aubin divides environmentalists into two groups: those sincerely working to steward the environment and those "pursuing a socialist agenda and depriving Adirondackers of property rights." He describes the latter group of environmentalists as "particularly insidious because they are attacking property rights bit by bit by bit. We are progressing toward a regional government as villages dissolve due to increasing taxes. The higher taxes make for more willing sellers. It is creeping socialism under an environmental mask."

The Adirondack Park Agency isn't the only menace to the property rights of Adirondackers. Dr. Vincent Vaccaro, an inholder in New Hartford, New York, has been waging a costly battle with Department of Environmental Conservation (DEC) bureaucrats to prevent them from confiscating his property under the power of eminent domain.

The Pine Lake property located in the town of Morehouse that Vaccaro purchased in 1988 had been on the market for about 10 years. During that time, the state had tendered repeated offers for the land but never followed through with a purchase agreement. When Dr. Vaccaro came along and did buy the land, the state initiated eminent domain proceedings "to confiscate property it could have easily bought," the doctor says.

Moreover, the DEC insisted on employing eminent domain despite the fact that Vaccaro told them of his intention to "place conservation easements in the deed of the property that will protect it forever from subdivision and development.... It makes no sense to me why the state has to waste

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taxpayers' money to buy land that it doesn't have to purchase in order to protect."

DEC Commissioner Thomas Jorling contends, "The Adirondack Park is a checkerboard of public and private land, and I wanted to consolidate the state lands." Responding to Jorling, former Essex County economic development director Gerald B. Edwards writes in the *Press-Republican*, "What message should all of us, the small holders of private land, get from this ominous remark? We see eminent domain hanging over our heads like a scepter being indiscriminately wielded by an avaricious, mindless bureaucracy bent on gaining total control of our land and our lives."

The DEC's use of eminent domain is even more inexplicable in view of Governor Mario Cuomo's numerous public comments to the contrary. For example, Cuomo stated in the September 25-October 1, 1990, *Hamilton County News*: "I think some people upstate have the mistaken impression that the state is going to grab land that people don't want to sell. That is not true. . . . And if somebody in the Adirondacks doesn't want to sell his or her property, terrific—they won't have to. Nobody's going to compel them."

Vaccaro views the "calling up of eminent domain the strongest attack possible on private property," and DEC administrative law judge Frank Montecalvo concurred with him. In a November 7, 1988, hearing report, the judge concluded: "[The Vaccaro] acquisition is generally viewed to benefit, not millions of citizens of the state, but only those few recreationists who may be able to travel to, and are physically capable of negotiating, the properties. It is generally perceived that any benefit from the proposed acquisitions through the use of eminent domain would be far outweighed by adverse impacts on real estate transactions, private management of lands, the forest products industry, and citizens' 'sense of security' in the proper functioning of their government."

Nonetheless, Commissioner Jorling refused to heed the judge's findings, and Dr. Vaccaro spent three years and thousands of dollars defending his property. The state finally dropped its case on March 1, 1991. Reflecting on his ordeal, Dr. Vaccaro writes: "It appears that the State has a plan to eliminate all people from the Park, first by acquiring all the land within the blue line, second by seizing the land by eminent domain, and third by imposing overly burdensome regulations so as to drive everyone away. The State is trying very hard to make life unbearable in the Adirondack Park."

Storm Clouds on the Horizon: The 21st Century Commission

Jim Hemus describes current APA regulations as "restrictive and, as they are applied, they are unbearable." New York State disagrees with Mr. Hemus. Acquiescing to the pleas of environmentalists, Governor Cuomo appointed the Commission on the Adirondacks in the Twenty-First Century to investigate ways of checking alleged "excessive development" in the park. According to the Governor, "Recent developments suggest that we may be entering a new period in the history of the Adirondacks, an era of unbridled land speculation and unwarranted development that may threaten the unique open space and wilderness character of the region."

In April 1990, the Commission issued its report entitled "The Adirondack Park in the Twenty-First Century," and in it Commission Chairman Peter A. A. Berle responds, "We have concluded that [the governor's claims are] indeed true." The Adirondack Fairness Coalition says Berle's assertion contradicts "statistics from the U.S. Bureau of the Census and from the Adirondack Park Agency [which] show that more than one-quarter of the park's 110 communities have not grown at all in recent years, either in population or housing. And one-half of the residential growth between 1987 and 1988 occurred in only 10 towns. . . . only one-tenth of the houses built two years ago are on the 86 percent of private land commonly referred to as 'backcountry.' In 51 communities— nearly half those in the Adirondacks, 10 or fewer building and subdivision applications were made during the past five years." Andrew Halloran of the Adirondack Fairness Coalition says that "anyone really familiar with the Adirondacks knows that there is no crisis [of over-development] here of any proportion. In fact, 98 percent of everything within the Blue Line is undeveloped."

To the dismay of inholders, the Commission declares current APA regulations to be outdated and woefully inadequate in "protecting" private property. Thus, as if the current regulations weren't enough with which to contend, there are plans afoot in the Adirondacks and in Albany to arm the environmental bureaucracy with more

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power, including new and stronger zoning regulations binding private property, administered by a "bigger and better" Adirondack Park Administration. In effect it would rule the park as a regional government or, to use the 21st Century Commission's language, "as a single entity . . . with all public and private enterprises subject to the same review and permitting process." This begs the question: What exactly is private property if it is subjected to such state "review"?

Environmental Statism

The Executive Summary of the Commission's report explains that this "new Adirondack Park Administration should be created to plan and regulate the use of land, both private and public. It would administer a more comprehensive private land use plan, determine uses within the various public units, control the use of wetlands and wild, scenic and recreational rivers as the APA does now and assist local and county governments in land use functions."

The new and stronger zoning would, according to Commission Recommendation 101, allocate "one SDR [Structural Development Right: the right to construct a residence] per ownership unit (all the land held by an owner in the Park) as of April 1, 1990, up to 2,000 acres and one for each 2,000 thereafter" on both "resource management" and "rural use" lands. The Fairness Coalition's Bernard Miller, a Keene Valley, New York, resident, says, "Thus, the owner with a combined acreage of 10,000 acres in Resource Management and Rural Use lands would be entitled to only five building rights. This contrasts with the present right of that owner to possibly construct, according to Adirondack Park Agency law and subject to the agency's approval, 234 principal buildings if the 10,000 acres were all Resource Management and 1,176 principal buildings if it were all Rural Use."

In an analysis of Recommendation 101, Miller pinpoints three flaws: "[1] The value of most building rights and of existing homes would skyrocket beyond the reach of average Adirondackers. [2] The park's so-called back country would become a preserve for the super-rich. [3] The plan is so complicated that even simple land transactions would require expensive title searches across many counties." The Fairness Coalition adds, "the Commission's 2,000-acre zoning plan would limit building rights to one house per landowner on 86 percent of the private land in the Adirondacks. Once a house is built on this land, subsequent generations of landowners could never build another one."

The Commission's call for a "one-year moratorium on development and subdivision in those areas designated resource management and rural use in the existing land use plan as well as along Park shorelines while the Legislature considers actions needed to put these recommendations into effect" has especially infuriated Adirondackers.

Calvin Carr, Executive Director of the Solidarity Alliance, says in the May 24, 1990, edition of the Plattsburgh *Press-Republican*, "'There's already a de facto moratorium'. . . [because] the Adirondack Park Agency puts so many stipulations on a building permit that building the structure becomes too costly. Just meeting the APA regulations often costs more than the land. . . . placing stricter restrictions on Adirondack Park land will only make developable land in the hamlets skyrocket beyond most residents' ability to own or pay taxes on it."

Even though the six-million-acre Adirondack Park today is larger than each of the seven smallest states in the Union, and includes 2.6 million acres of state land, the 21st Century Commission proposes to add 654,850 acres at a cost of $196 million to the state-owned property by seizing the land from private holdings. Whereas New York State currently holds 42 percent of the park's land, the implementation of this plan "would bring 52 percent of the Park into state ownership."

Norma Mildred Holcomb, a housewife from Hudson Falls, New York, articulates her frustration with state meddling in a poem entitled "Adirondack Independence":

> . . . They can tell us Adirondackers we can't build,
> That our independence is taken and we must be stilled.
> We've worked so hard for our family and home,
> So why can't the state just leave us alone?

The 21st Century Report states that the Commission "believes that the people of New York want their Adirondack Park to be safe from the forces of development, alive with the forces of nature. It also believes that . . . the residents of the Park itself are determined to support the Park inholders love so well, not leaving its future to

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chance or to the vagaries of the marketplace."

Judy Ford responds: "Why do APA officers need police protection at town meetings to peddle democracy?"

New Threats

In addition to the Adirondack Park Agency and the 21st Century Commission, new government agencies are being formed that threaten the rights of Adirondackers. The Lake Champlain Special Designation Act of 1990 (U.S. Public Law 101-596) authorized the creation of the Lake Champlain Management Conference. Funded by the U.S. Environmental Protection Agency, the conference is charged with studying the lake and formulating recommendations to improve water quality.

According to Dale French, a nuclear engineer and chairman of the Adirondack Solidarity Alliance, the conference "will recommend property controls, such as shore-front setbacks, septic system restrictions, and levels of allowable pollutants discharged." It will impact five counties in New York, 10 counties in Vermont, and even reach into Quebec.

What the APA is on the state level, the Northern Forest Lands Council (NFLC) is on the Federal level. The Northern Forest stretches across Maine, New Hampshire, Vermont, and New York (including the Adirondack State Park), encompassing 26 million acres. It is home to nearly one million people. About 85 percent of this forest is privately held.

"The Northern Forest Lands Study of New England and New York," prepared in April 1990 by the U.S. Forest Service, called for additional

1. Land use planning and regulation by local and state governments;
2. Acquisition of easements and full-fee land to protect those values that would otherwise be lost to future development;
3. Incentives and other actions to keep forest land economically viable and private land open to the public; incentives must be in exchange for binding commitments to conserve important land and resources.

Robert Voight of the Maine Conservation Rights Institute says: "The NFLC is . . . an attempt at centralized—read coordinated—planning intended to lead to discriminatory land use controls and public acquisition within an area yet to be defined. . . . the language of the [Northern Forest Lands Act of 1991] displays a pervasive bias against private ownership and in favor of public, i.e., government, interests in land use and management." Curiously, the plan would strive to keep "private land open to the public."

James S. Burling, an attorney with the Pacific Legal Foundation, states that "if the Northern Forest Lands legislation is passed as currently drafted, many private property owners will be at a greater risk than today of having their lands condemned by the state or federal governments. Land that is not condemned may become subject to land use restrictions that will limit the productive and economic use of the land."

Stringent land use controls and condemnations are not confined to the Adirondack Park in New York State; they impinge upon inholders across America. From the Cuyahoga Valley National Recreation Area in Ohio and the Everglades National Park in Florida to the Columbia River Gorge in Oregon and Washington, state and Federal bureaucrats seize private property with impunity and deprive citizens of their liberties.

To Adirondackers, the issues are fundamental ones of property rights and freedom, and are summed up in a letter from Judy Ford: "Nobody is taking into consideration the lives of year-around residents and a very distinct culture that will be erased forever. We are mountain people and this is our land. There has to be a place for us on the land on which we were born." □

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An Abundance of Messiahs

by Barbara R. Hunter

Recently I was in an elevator in the building where I work when I caught a scrap of conversation. A young lady was talking to a friend about a forthcoming job change, and she spoke somewhat apologetically about her plans. At the time, she was working for an "authority"—one of those myriad quasi governmental agencies that masquerade as independent organizations. Although she was looking forward to her new position, something was troubling her:

"I think I can work for a . . ."

There was a catch in her voice, and it was only with an effort that she managed to say the next words:

"private corporation . . ."

Now she brightened, and the rest of the sentence sounded full of hope:

"and still be an agent for social change."

Ah, another messiah! So sure she was appointed to be "an agent for social change."

No doubt, the young lady's sense of destiny gave her confidence in her mission. However, there was an important point she had missed. If she recognized this point, it might vastly alter her conception of her position in society: *Everyone* is an agent for social change! Every man, woman, and child, without exception.

Those whose sense of vision convinces them that society would founder without their exertions don't realize that society goes right on its way, with them or without them, responding constantly, endlessly, to the uncountable decisions made every instant. No matter how diligently these would-be saviors strive to bend society in their own direction, there is no way to prevent society from doing what it does best: reflect the sum total of the individual decisions of its component population.

There is nothing new about self-appointed messiahs. Common among them are government employees. Indeed, in some cases it is their very missionary zeal that leads them into what they love to call "government service" in the first place.

If this were the limit of their manipulative skills, society could shrug off their misguided salvation and go about its daily business of each one living his own life. Unfortunately, messiahs don't stop at single-handed or merely cooperative measures; they employ the punitive power of government to force their will on those whose view is not up to their standards.

Thus, we have efforts within government at every level and in every branch to regulate, to "set priorities," to license all sorts of trades and businesses, to decide for you the effectiveness of your remedies and cosmetics, to decree environmental standards and require environmental studies that can push back the completion time and raise the cost of every project, to declare moratoriums on construction in entire counties in contravention of all existing private contracts and schedules . . . and on and on.

In all likelihood, there never will be an end to the supply of "experts" who know better than we do how we should live our lives, but when they arm themselves with the power of government—save us from messiahs! □

Barbara Hunter is an educational consultant in office automation who lives on Long Island.

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The Economics and Ethics of Trash

by K. L. Billingsley

As they watch barges plying the high seas searching for places to dump their foul loads, Americans are increasingly concerned with the problem of garbage transport. Is this practice ethical? And are there examples where it works?

To answer these important questions, several concepts must be considered.

Individuals, companies, and regions all have comparative advantages over others. For example, Aretha Franklin is a better singer than Madonna. Steinway is better equipped to build quality pianos than the Toys "R" Us Corporation. Kansas is a better place for growing wheat than Rhode Island or Florida.

Likewise, some regions are better suited than others for the disposal of garbage. Some are worse. A case in point is the Seattle area, a densely populated municipality that generates over half a million tons of solid waste per year. The Seattle area is also quite damp, and landfills are subject to leaching into the water table.

Eastern Oregon, on the other hand, is sparsely populated and practically a desert, much more suitable conditions for the disposal of waste. Together with eastern Washington, the area boasts some 300 million tons of capacity, enough for approximately 100 years. But comparative advantage isn't the only issue.

When two parties trade anything, including trash, they do so because both believe that they will derive an advantage from the deal. This is the principle of voluntary exchange, a pillar of the free enterprise society.

As Professor Dan Siegel of the University of Washington pointed out at a conference put on by the Foundation for Research on Economics and the Environment, Seattle has worked out an arrangement with Gilliam County, Oregon, to ship its trash there.

In view of statist failures, both environmentalists and public officials are increasingly willing to try free market solutions. Seattle opened its 30-year trash proposal to bids, and the contract went to Waste Management, Inc., owner of a massive, modern site in Oregon with a capacity of 60 million tons.

But what about the locals in Gilliam County?

This region has been economically depressed for some time, and there was strong support for the landfill among residents for the jobs and stability the project would bring. Waste Management opened its facilities to inspection, which helped gain favor. The dump will also be divided into sealed compartments, which will guard against leaching and maintain a record of what trash came from where.

Portland, Oregon, also ships its trash to Gilliam. The stuff arrives already compacted, in closed railway cars. The only real inconvenience is noise, for which Waste Management will pay a fee to the state of Oregon, as well as a "host fee" to local governments.

While Seattle and Gilliam County seem satis-

Author and screenwriter K. L. Billingsley covers California for the London Spectator.

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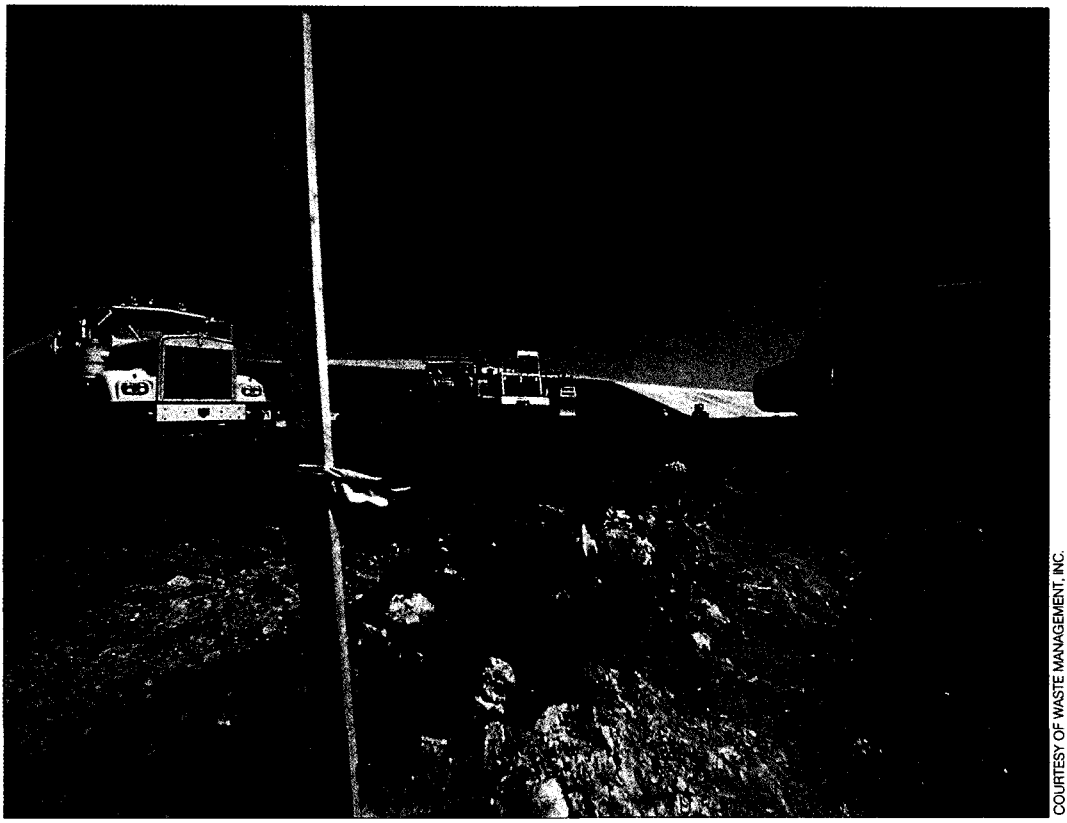

COURTESY OF WASTE MANAGEMENT, INC.

Waste Management's Gilliam County facility.

fied, there are objections. One hears, for example, that people should be forced to live with their own trash.

This objection ignores the principle of comparative advantage. Certainly each community should pay for its own disposal. But requiring them to store their own trash makes no more sense than demanding that they use only oil from their own wells.

Others claim that the trash transfer will shortchange Oregonians. But this too is bogus. As Professor Siegel stated, Texans don't hesitate to export oil on the grounds that there won't be enough left for them.

Siegel believes that, ethically and economically, there is no problem with the regional plan. The bureaucratic dimension is another question.

There have been attempts to slap fees on the waste under the rules of interstate commerce. Proposed changes in the Resource Conservation and Recovery Act would make it more difficult to transport waste from state to state. On the positive side, both the EPA and even the Sierra Club support this kind of regional arrangement for trash disposal.

Siegel did not use this plan as a model for international transfers of toxic waste. Corrupt officials of dictatorial countries have accepted payoffs and inflicted suffering on their populations. For example, Guinea allowed the dumping of toxic incinerator ash from Philadelphia without consulting the locals. This kind of abuse, according to Siegal, should be opposed.

Domestically, solid waste is a local issue. Therefore it is more correct to speak of "problems" rather than "the problem." Each municipality must work out its problem within an economic and ethical framework.

When comparative advantage and voluntary exchange are taken into account, however, it is clear that the Seattle-Oregon arrangement works well. As America's trash continues to pile up, we need models that not only work but respect individual rights, market forces, and private property. If we disregard these, we will soon transform a problem into a crisis. □

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First-Person Singular

by Donald G. Smith

There are two kinds of people; those who divide everybody into two kinds of people and those who do not.

—ROBERT BENCHLEY

Any society is filled with conflicts. There are those who fight to keep what they have and those who fight to get it. There are city people and country people, old people and young people, puritans and libertines, labor and management, dog people and cat people. Anyone who has ever read a paperback western knows that any self-respecting cattleman had nothing but contempt for the sod-busters who were fencing off the range; and whose great grandparents would have been seen in public with a Wobbly or a Copperhead? These groups have never represented all of society, being but a small fraction of the whole, but their head-butting has been well worth the price of a ticket.

One of the significant divisions in today's culture is a conflict that goes all the way to the bone marrow of those afflicted and has divided us more than anything since the firing on Fort Sumter. I refer to the people who think of themselves as individuals and those who revel in being part of a group: "I-Thinkers" and "We-Thinkers." This isn't just a passing, or trivial, observation because it represents a profound cleavage in our national makeup, one which seriously impedes communication. I-Thinkers and We-Thinkers just don't get through to each other and probably never will.

Mr. Smith, a frequent contributor to The Wall Street Journal, *lives in Santa Maria, California.*

The strange thing about the I-Think/We-Think phenomenon is that there are so few pure disciples of either philosophy. Most of our citizens, perhaps 80 percent of our population, are combinations of I-We thought and generally lean in one direction. A person might run a business as a solid I-Thinker but do a complete flip on Saturday when he dresses in the old school colors and sets off for the football game.

Or, a basic We-Thinker might become an incontrovertible *I* when a loud party next door prevents a good night's sleep. It is a case of *I* need my sleep, *I* have to get up in the morning, *I* am not going to put up with this. Yet, the We-Think will take over with the dawn, and our subject returns to the familiar social enclave.

The street gang is an excellent example of pure We-Think. Young people who run with the pack have no concept of their own individuality, and thus the traditional exhortation to "amount to something" falls upon unreceptive ears. A person who is not really a person at all can hardly be expected to excel at anything. Anyone who knows himself only as a small piece of the Green Dragons has no idea of himself as a separate entity and consequently has no desire to accomplish anything as an individual.

It is quite likely that the strident minority of people who spend their lives marching for causes are far more We-Thinkers than I-Thinkers, especially when they resort to such physical expressions of solidarity as holding hands and locking arms. This is a group-mentality phenomenon, and such activity seems to have considerable appeal for those people who have trouble with the first-

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person singular pronoun, *I*. They are more comfortable chanting slogans in unison as part of a resounding *We*.

No Common Language

One of the reasons that the proponents of free market capitalism have such great difficulty communicating with those of a more collectivist bent is that the two groups don't speak a common language. They use the same words, perhaps, but the meanings are entirely different. The person who leans toward I-Think considers himself only superficially as a member of a class or a social group. He is essentially a functioning single component. Conversely, the We-Thinker has some difficulty seeing himself as being separate and distinct from his fellows. His immediate need is to be marching in ranks.

Today's capitalism was conceived in an I-Think environment. Indeed, our much heralded "forefathers" were about as obstinate a breed of do-it-yourselfers as has ever graced the planet. The economic system they spawned is little more than a reflection of the Boston Tea Party and a man named Nathan Hale who went to the gallows with but one regret. It all stemmed from a profound and unshakable belief in the majesty of the individual. These people were the personification of the term "rugged individualism." They left an indelible mark, and the outstanding feature of an indelible mark is that it doesn't go away.

Unfortunately, this deep-rooted feeling of individual worth has never reached the We-Think intransigents, those who seem to have no realization of their own self-worth and not even the inclination to test it. They see themselves as only parts of a giant machine, easily replaceable parts that have no value on their own. One wonders why a person who was nurtured in an environment where individualism is encouraged and applauded finds it so difficult to become a part of it. Wondering, of course, does not always produce answers.

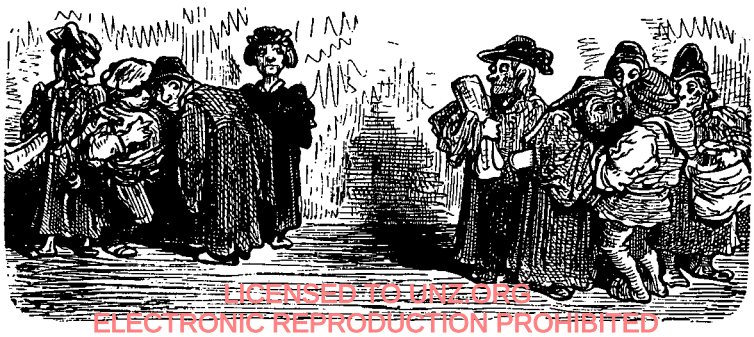
Perhaps it is more comfortable to be a part of the mass, safe in a warm recess where the risks are diluted. It is a place where one cannot fail because failure can only follow attempt. To the various degrees of I-Thinkers, however, the niche in itself is the very essence of failure. In this context, lack of success and failure are not synonymous. Failure only happens when one decides not to try again.

The thought processes of people who are essentially I-Thinkers and those who lean the other way are so alien to each other that conflict is inevitable. One person finds it repugnant to lock arms and march for a cause, even when he finds himself in sympathy, because he wasn't born to be a flywheel or a head gasket. To the We-Thinker this is a natural and desirable role.

This is the difference between the two factions and, to a lesser extent, that great body of people who lie between them but lean one way or the other. One man's revulsion is another man's glory. Fortunately, our progenitors set it up so that those leaning toward I-Think would make the rules, in a very real sense creating in their own image. So far, the system has worked, with considerably more *I* than *We* stirred into the mixture.

It would be a neat and tidy arrangement if it could be established that our society is divided into two groups, but it doesn't work out this way, and I wouldn't question Robert Benchley for a moment. I do believe, however, that there is a hard core of I- and We-Thinkers at either end of the social spectrum, and it is these groups who are making most of the noise on almost every social and political issue.

For my own purposes, I could never be a card-carrying member of either group because neither is solely and intrinsically right. The We-Thinkers, however, seem to make more noise and get less accomplished than the *I* people, and for this reason I-Think is a better way to lean—except, of course, on Saturday during football season. There are no individuals when the Oregon Ducks take the field to smite the forces of evil. □



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Readers' Forum

To the Editors:

In his article "Corporate Social Responsibility: A Dialogue" (*The Freeman*, September 1991), T. Franklin Harris, Jr., is correct in dismissing the corporate accountability theory. He errs, however, in preferring the corporate natural rights theory over the profit motive theory.

The profit motive theory has the correct elements, though Milton Friedman was mistaken to say that a manager's unauthorized diversion of profits to social causes is taxation without representation. Harris correctly demolishes that claim, but the manager's action is still wrong: it is embezzlement, not taxation.

Authorized expenditures on charity are covered by the profit motive theory, as Friedman argues. If the owners want to spend money on charity or social causes, the manager is obliged to do so. If the owners care only about profit, and the manager believes that a particular form of charity is the most profitable action (as in the case of Ford Motor Company in 1914), then he is obliged to carry out that act of charity even if he isn't charitable himself.

There will of course be cases where little charity is authorized by the owners. Harris correctly says, "executives cannot simply leave their humanity at the door when they come to work." However, the manager isn't being coerced. If he feels a need to do more for charity than his employers wish, then he can seek a contract allowing him to do more. (If nothing else, by being paid more so he can contribute his own money.) If he's a good enough manager, the owners may decide to spend more on charity rather than lose him. If not, he should find an employer with more sympathetic views.

Douglas Den Uyl's argument that owners in general don't really care what managers do with profits above a certain rate of return seems weak, especially when he equates maximizing profits with having perfect information. Reasonable owners don't expect perfect performance, but they expect a manager to do his best with the information he can reasonably get. Spending money on unauthorized and unprofitable charity rather than investing in an obvious business opportunity is likely to raise hell at the next stockholders' meeting—as it should.

BRIAN TILLOTSON
Huntsville, Alabama

Mr. Harris replies:

Mr. Tillotson's criticisms are well founded, and I certainly agree that any manager who engages in "unauthorized" charity is acting improperly. However, in the "Natural Rights" section of my essay, I never refer to individual action. I cite only corporate action, undertaken by the corporation as a whole and approved, presumably, at higher levels than that of a mere manager. Natural rights theory only justifies—and I only advocate—authorized charity.

My criticism of Dr. Friedman's position rests on his opposition to *all* corporate charity—whether authorized or not—except in cases where the business was started for nonprofit purposes. (For the record, I admire Dr. Friedman's work, and this is one of the few areas in which I disagree with him.)

As for "unprofitable" charity, I clearly state that unwise charitable contributions should "be treated as . . . a technical failing, possibly resulting in dismissal for the parties involved. . . ."

T. FRANKLIN HARRIS, JR.
Auburn, Alabama

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A REVIEWER'S
NOTEBOOK

The Case for Conservatism

by John Chamberlain

In his introduction to Francis Graham Wilson's little book on *The Case for Conservatism* (Transaction Publishers, 78 pages, $21.95 cloth) Russell Kirk notes that Lionel Trilling could write in 1949 that "liberalism is not only the dominant but even the sole intellectual tradition." But no sooner had Trilling made his remark than "the literary and philosophical adversaries of liberal dogmata rose up in numbers."

Francis Wilson, described by Kirk as "an austere-looking, dryly humorous gentleman and scholar" who had retired from the University of Illinois to live at the Cosmos Club in Washington, was more than happy to be among those who proved Trilling's lack of prescience. But Wilson does not pretend to be a perfectionist. He is quite aware that the major political parties often echo each other, and that elections are won by narrow margins that shift from time to time with pressure group changes. He thinks that conservatism is a philosophy of social evolution "in which certain lasting values are defended within the framework of the tension of political conflict." When given values are at stake, a conservative may even become a revolutionary—though not as a Marxian, with the theory of class struggle, might assert. Wilson thinks class war ideas are abominable.

We have to live, says Wilson, with the results of past revolutions. Conservatism "is a spirit of politics rather than a fixed program. . . . Intellectual conservatism has at its command the whole range of philosophy and science that the centuries of Western civilization have provided."

This identification of conservatism with Western civilization itself may be regarded by today's liberals as thievery. But between what is known as "old-fashioned liberalism" and Wilson's conservatism there is little difference.

What are Wilson's own descriptions of the common characteristics of the conservative mind in the West? He lists five that seem to him of special importance. First, he says, "conservative thought has attempted to find a pattern in history that may give some clues as to the possible and impossible in politics. Second, conservatives have generally been somewhat distrustful of human nature, viewing it as a mixture of the rational and irrational. Third, the conservative has in general believed there is a moral order in the universe in which man participates and from which he can derive canons or principles of political judgment. Fourth, conservative thought has accepted as sound politics the idea that government should be limited in its power and that such limitations should run on behalf of individuals and groups. And fifth, the conservative mind has defended the institution of property, I think, long before the rise of modern capitalism. . . . Certainly the defense of property is a more steady principle than the defense of particular arrangements by which goods are manufactured and distributed."

The moral order, says Wilson, "is one of the oldest products of Western society, for it begins in the Greek distinction between nature and convention; it flowers in the concept of natural law in Roman civil law and in Christian philosophy. . . . any democracy that has long survived has believed that government is responsible to the community, but that responsibility must be exercised with restraint and moderation, under the rule of law."

The preconditions of majority rule have been stated in the Bill of Rights, primarily the rights to life, liberty, and property. That, after all, is the case for conservatism. □

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THE LIABILITY MAZE: THE IMPACT OF LIABILITY LAW ON SAFETY AND INNOVATION

Edited by Peter Huber and Robert Litan

The Brookings Institution, 1775 Massachusetts Avenue, NW, Washington, DC 20036-2188 • 1991 • 514 pages
$35.95 cloth, $16.95 paper

Reviewed by Doug Bandow

The Brookings Institution has a long liberal pedigree, but it continues to surprise. Institution scholars have criticized environmental regulations, praised airline deregulation, and promoted educational choice. Now Brookings scholar Robert Litan has joined with Peter Huber of the Manhattan Institute to edit a book that shows the high costs of litigation to the American consumer.

Others, Huber as well as Walter Olson, also from the Manhattan Institute, have documented the liability revolution that has created a kind of legal lottery, enriching and penalizing irrespective of causation and fault. The focus of *The Liability Maze* is more limited: the book, composed of papers from a Brookings conference, explores the impact of litigation on business innovation and safety.

The issue is as complex as it is important. Write Huber and Litan:

> Expressly or by implication, most of the authors in this volume agree that the effects of the liability system, whatever they may be, depend on much more than the narrow question of whether liability is imposed, or on the still narrower question of what legal standard (like "negligence" or "strict liability") is applied. The authors all recognize that jury trials, contingency fees, long-tail liability, the sheer size of awards, and the stigmatizing effect of punitive damages, along with adverse publicity, market forces, and regulation are at least equally important.

Nevertheless, some general conclusions stand out. Where liability remains modest, litigation appears to have encouraged innovation—a not surprising conclusion, since a well-functioning tort system will force a firm to internalize more of its products' costs, and thereby provide it with an incentive to take cost-effective countermeasures. However, as liability and damages expand, the impact on innovation becomes highly negative. This effect seems to be strongest on the general (lighter plane) aviation industry. Serious problems are also evident in the medical and pharmaceutical fields. The only dramatic counter-example appears to be chemical production.

The findings on the effect of liability on safety are more equivocal. For one thing, lawsuits operate in tandem with private and public regulatory systems—doctors' professional standards of responsibility and the National Highway and Transportation Safety Administration, for instance. It appears that the conclusion of Judith Swazey of the Acadia Institute, that litigation has "had only a marginal impact on the development of safer drugs" because it is only one of several factors involved in their production and marketing, is generally applicable. While liability has caused manufacturers to expand warnings, that step has had no obvious impact on safety.

Litigation, irrespective of the outcome, may, however, have a significant impact if it becomes the focal point for media attention. Writes Harvard's John Graham, the "indirect effect of liability on consumer demand—operating through adverse publicity about a product's safety and a manufacturer's reputation—is often the most significant contribution of liability to safety." Although this effect is probably most evident for autos, Andrew Craig from Wichita State University found a similar impact on the sale of small aircraft.

Unfortunately, for all of the research that went into *The Liability Maze*, the analysts don't really answer the most fundamental question: Is today's litigation explosion providing us with the "right" amount of safety? Although it may seem a heretical concept, it is possible to be too safe in the sense of paying more than we want in order to avoid infinitesimal risks. For instance, Murray Mackay of the University of Birmingham estimates the cost of the average car to be several hundred dollars higher because of liability. Yet, writes Graham, safety "has historically been a minor consideration in consumer choices."

The expansion of litigation appears to have had a far more expensive impact on the general aviation industry. The liability charge for a light plane rose to between $70,000 and $100,000, figures attorney Robert Martin, with naturally devastating consequences for this industry. "The price of

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new airplanes reached the point at which prospective buyers increasingly chose to purchase a used plane rather than a new one. Margins were cut, manufacturing plants were closed, engineering staffs were trimmed, and factory employees were laid off," writes Martin. But consumers, too, lost, for the amount of safety purchased at such a high price seems to be miniscule. If people are now safer, it may be because they are not buying products and undertaking activities that they desire: indeed, several of the volume's researchers believe that liability has "increased" safety by *reducing* the demand for goods and services.

Furthermore, there are at least some cases where litigation appears to have reduced safety. Some auto executives fear adopting prudent changes that might be viewed by a jury as evidence that the previous design was negligent. Moreover, the expansion of medical malpractice lawsuits has created a veritable industry devoted to "risk management" of practices with high-liability potential. In this way, writes Stanley Joel Reiser from the University of Texas, "the liability ethos diverts a significant activity, risk management, away from its proper focus on the patient's welfare to a concern with professional and institutional liability protection." Pervasive litigation may also hinder experimental procedures and products because of fears of liability.

What is to be done, ask Huber and Litan. One could argue, they observe, that we don't know enough about the effect of liability on innovation and safety to formulate a policy. After all, if Swazey is correct in contending that there are "virtually no solid data" on the impact of litigation on the safety of drugs, then how can one know how to act? But, as Huber and Litan point out, "the one issue beyond dispute is that legal rules are policy, and policy *will* be made, in courts if not in legislatures, with or without data."

Thus, they offer some thoughtful if modest suggestions. First, the legal system needs to do better at incorporating positive rewards for product experimentation and improvement. In particular, the liability system needs to reflect the fact that to fail to innovate may actually be riskier than not to modify a product or service. "Legal rules, jury instructions, and evidentiary standards can all be crafted to give more equal weight to these symmetric considerations," write Huber and Litan.

Second, efforts should be made, in their view, to re-connect liability to risky behavior. One doctrine they single out is "the ability of plaintiffs to recover for product-related injuries decades after products have been on the market and previously not been held liable for injury." Huber and Litan suggest a statute of repose to limit the period of liability and constraints on punitive damages.

Third, they propose a broad review, buttressed by systematic analysis and research, of America's legal system combined with a willingness "to apply the same cost-benefit standards to the liability system that the liability system applies to doctors, drug companies, and the manufacturers of planes, chemicals, and cars." Particularly important would be a thorough assessment of the impact of differences between the U.S. and foreign systems, such as America's failure to force the loser to pay the litigation expenses of the winner, which encourages frivolous and nuisance suits.

The Liability Maze, written and edited by scholars, is a fine volume that should enhance any reader's understanding of the so-called liability crisis. The book raises more problems than it solves, but that reflects the intricacies of the issue rather than any shortcomings on the part of its authors. □

Doug Bandow is a Senior Fellow at the Cato Institute. A graduate of Stanford Law School, he is a member of the California and District of Columbia bars.

THE PRIZE: THE EPIC QUEST FOR OIL, MONEY, AND POWER
by Daniel Yergin
Simon and Schuster, 1230 Avenue of the Americas, New York, NY 10020 • 1991 • 877 pages • $24.95 cloth

Reviewed by Raymond J. Keating

Oil has often been referred to as the lifeblood of any economy. While this is an overstatement, oil has been the most critical, *nonhuman* economic resource throughout most of the 20th century. Daniel Yergin illustrates the economic, political, societal, and geo-strategic importance of this commodity.

Yergin takes the reader on an enjoyable and thorough journey through the history of oil, from the drilling of the first well by Colonel Edwin Drake in Pennsylvania in 1859 up to Saddam Hussein's invasion of Kuwait in a mad grab for wealth and oil in August 1990. Yergin explores oil's

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role in war, describes the ever-changing structure of the oil industry, and discusses the prominent and often colorful petroleum players. *The Prize* is a well-written and well-researched addition to a branch of history that, until very recently, had been sadly neglected—business history.

My sole criticism of Yergin's effort is his periodic indifference to the role of markets in the oil industry. At times he acknowledges the benefits of innovation, entrepreneurship, productivity, organization, and the price system that markets bring to bear. However, he also issues caveats relating to the old "instability" straw man as it pertains to free markets.

For instance, Yergin declares in the book's epilogue that "The years of past oil crises have demonstrated that, given time, markets will adjust and allocate." Earlier, he even summarizes the development of the oil pricing system as it led to today's futures markets: "Once it had been Standard Oil that had set the price. Then it had been the Texas Railroad Commission system in the United States and the majors in the rest of the world. Then it was OPEC. Now price was being established, every day, instantaneously, on the open market, in the interaction of the floor traders on the Nymex [New York Mercantile Exchange] with buyers and sellers glued to computer screens all over the world. It was like the late 19th-century oil exchanges of western Pennsylvania, but reborn with modern technology. All players got the same information at the same moment, and all could act on it in the next." A vast improvement, one might say. However, when discussing the ill effects that the 1986 drop in oil prices had on the U.S. domestic oil industry, the author wonders: "Perhaps when it came to 'market forces,' there could be too much of a good thing."

In fact, Yergin is inconsistent in his view as to whether the private sector or the government should control oil production. In analyzing the early days of oil production in Russia, Yergin writes: "The development of the industry was severely restricted by the region's backwardness and its remoteness [i.e., in Baku] and the corrupt, heavy-handed, and incompetent Czarist administration, which ran the minuscule oil industry as a state monopoly. Finally, at the beginning of the 1870s, the Russian government abolished the monopoly system and opened the area to competitive free enterprise. The result was an explosion of entrepreneurship. The days of hand-dug oil pits were over. The first wells were drilled in 1871-72; and by 1873, more than twenty small refineries were at work." Yet, in contrast, Yergin's discussion of the anemic state of current Soviet oil production doesn't address these critical issues of private property, entrepreneurship, and profit incentives.

Yergin does explore the legitimate debate as to when national security takes precedence over the market, and when the two might be in conflict. It seems clear that the burden of proof lies with the national security advocates who argue for limitations on the market. The author makes no clear declaration in either direction on such matters, but seems tacitly to lean toward the national security/market limiting agenda.

Having acknowledged various inconsistencies and shortcomings on matters of economics, I still can heartily recommend *The Prize* on the basis of its great historic breadth. Yergin explores the significance of and roles played by, for example, Winston Churchill, Standard Oil and John D. Rockefeller, the Middle East and OPEC, Mexico, the United States government and its often schizophrenic policies toward the oil industry, Axis and Allied World War II strategies, the Shah of Iran and his successor the Ayatollah Khomeini, Israel, Egypt's Nasser and the Suez Canal, discoveries in the North Sea and in Alaska, and even T. Boone Pickens. Such a list merely scratches the surface, however. Yergin's tome must be read to gain a true appreciation of its vast scope.

While Yergin was writing a history of oil's role in the world, and seemed to tie this role into most historic events of the past century, he still possessed the ability to discern the limits of oil. He deserves credit for acknowledging the economic successes of West Germany and various Pacific Rim countries, all huge oil importers. While oil's stature in the world economy will remain high, even Yergin notes the ascendency of the information or knowledge economy. The silicon chip, created out of sand, is emblematic of the economy of the mind, in which limits won't be set by amounts of oil but only by the restrictions placed on human innovation and creativity. Perhaps the development of this knowledge economy will be the subject of another epic treatise of business history a century from now. □

Mr. Keating is New York Director of Citizens for a Sound Economy.

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THE WORLD TRADING SYSTEM AT RISK
by Jagdish Bhagwati

Princeton University Press, 41 William Street, Princeton, NJ 08540 • 1991 • 164 pages • $16.95 cloth

Reviewed by William H. Peterson

The laissez faire wisdom of Adam Smith and David Ricardo (with his profound Law of Comparative Advantage on behalf of free trade) is well reflected here in a work by Jagdish Bhagwati, formerly Arthur Lehman Professor of Economics at Columbia University.

Professor Bhagwati provides an incisive and authorative essay on the current position and future potential of GATT, with special attention to a prominent GATT member, the United States.

GATT is the General Agreement on Tariffs and Trade, founded in 1947, a U.N.-affiliated agency based in Geneva, Switzerland. It is an organization of some 100 member countries aiming at mutual tariff reduction along with removal of non-tariff barriers such as import quotas and exchange controls. Extended GATT negotiations generally take place in member countries such as Japan (the Tokyo Round) in 1973-1979 and Uruguay (the Uruguay Round) in 1986-1990.

The aim of easing trade is not always accurate, even though the history of post-World War II global commerce has been on the whole positive. The protectionist germ is noted by Dr. Bhagwati, who is now economic policy adviser of GATT: many GATT members, including the United States, remain muddled or lukewarm to the idea of free trade, goaded as they are by powerful domestic interests such as farm, labor, and textile organizations. In fact, it was farm interests, most notably European and Japanese, that tripped up the final Uruguay Round of GATT tariff reductions in December 1990, causing trade diplomats to go back to the drawing board.

For its part, the United States suffers from a trade neurosis that the author christens "the diminished giant syndrome," an affliction characterized today by plaints in Congress and the media of "unfairness," "foreign subsidies," and, in the case of Bangladeshi textiles, "pauper labor." Professor Bhagwati sees America as a parallel of Britain at the turn of the century when the United States and Germany arrived on the world scene. Today the new kid on the trade block is Japan, and Japan-bashing is in vogue.

Recently Japan, along with India and Brazil, was cited for unfair trade practices under the "Super 301" provisions of the 1988 Omnibus Trade and Competitiveness Act. The Act spurred a "Structural Impediments Initiative" that had American and Japanese negotiators scurrying and probing such arcane "trade" topics as mutual antitrust policies, retail distribution systems, infrastructure spending, savings rates, and workers' rights. Professor Bhagwati says the American "shopping list" was reputed to have included 240 such items. Hardly a way to win friends abroad.

In fact, U.S. Trade Representative Carla Hills is reported to have relied on her advisers to assert during a negotiating visit to Tokyo that foreign baby bottles couldn't make it to Japan. Her Japanese hosts immediately refuted her assertion, producing evidence of their availability in shopping centers. Again, after being persuaded by another Japan-basher that Kodak film was not available in Tokyo's stores ("while Fuji was in New York's"), she was shocked to discover on investigation that the charge was simply not true.

These incidences point up the problem of world trade inside and outside GATT. Trade negotiations are inevitably politicized, bureaucratized, and, in the scheme of things, compromised, especially from the viewpoint of the consumer whose interest in world commerce is, or should be, first and foremost. But GATT negotiations are off-the-record, and the consumer is almost always "the forgotten man." What trade-offs are made? Whose industry is gored? Who gets what in what Yale economist William Graham Sumner called "the great scramble and the big divide"?

So my only comment about this otherwise excellent book is the author's seeming beholdenness to GATT with its key principle of reciprocity. GATT is a dubious crutch. Surely it is the overwhelming case for free trade, even unilateral free trade, that should spur the thinkers and doers to dismantle domestic trade barriers to foreign imports without, if need, a *quid pro quo*. The consumer deserves no less. □

Dr. Peterson, an adjunct scholar at the Heritage Foundation, holds the Burrows T. and Mabel L. Lundy Chair of Business Philosophy at Campbell University, Buies Creek, North Carolina.

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—Leonard E. Read

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"It is the maxim of every prudent master of a family, never to attempt to make at home what it will cost him more to make than to buy. . . . What is prudence in the conduct of every private family can scarce be folly in that of a great kingdom."

—ADAM SMITH
(1723–1790)

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